

MEDIAEVAL STUDIES

Volume XXXVIII
1976



PONTIFICAL INSTITUTE OF MEDIAEVAL STUDIES
TORONTO, CANADA

Editor:

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59 Queen's Park Crescent East
Toronto, Ontario
Canada M5S 2C4

ISBN 0-88844-639-X
ISSN 0076-5872

Printed by
UNIVERSA — WETTEREN — BELGIUM

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THE *SUMMA DE PENITENTIA* OF MAGISTER SERLO

Joseph Goering

THE *Summa de penitentia* of an as yet unidentified magister Serlo which is edited here was first discussed by L. E. Boyle who correctly described it as a confessor's manual of English inspiration written sometime after 1234.¹ A study of this text and its relation to the contemporary penitential literature as well as to the practice of pastoral care in the thirteenth century will be published in a future number of this journal.

The earliest manuscript copy of the text is contained in Laud. lat. misc. 112 of the Bodleian Library, Oxford (designated hereafter by the siglum *O*). Formerly belonging to the Chapter of Ely Cathedral, this manuscript was written on parchment in many different hands during the thirteenth century.² The contents range from the *Regula sancti Benedicti* to the *Summa de casibus* of Raymund of Penafort. Many of the 28 items are concerned with practical, pastoral theology. The *Summa* of magister Serlo, found on folios 398v-407v, is written in a mid-thirteenth century hand, in double columns of 46 lines.

A second complete copy of this work is found in Cambridge University Library MS. Gg. IV.32 (hereafter *C*).³ Dating from the fourteenth century, this parchment manuscript of 138 folios was once owned by a

¹ *A Study of the Works Attributed to William of Pagula* (D. Phil. Diss. Oxford, 1956), 2 Appendix A.12.

² Cf. *Catalogi codicum manuscriptorum Bibliothecae Bodleianae* (Quarto Series) 2 (Oxford, 1858-85), p. 120.

³ For this and the following reference I am indebted to Morton W. Bloomfield. I have not seen these manuscripts *in situ* but have relied on photostatic copies kindly provided by F. A. C. Mantello.

Johannes Hatton.⁴ Its contents include vernacular and Latin prayers, synodal statutes, pastoral handbooks and several treatises on confession — all reflecting the needs and interests of the parish clergy. The treatise attributed to magister Serlo in *O* is here unascribed and called simply a 'Liber penitenciarum'. Written in double columns of 36 lines, it is found on folios 51-65 (42-58).

A third, fragmentary copy of this text is found in Cambridge University Library MS. Ii. IV.8 (hereafter *U*). This fourteenth-century manuscript, from Norwich Cathedral priory, is written on parchment in double columns of 47 lines.⁵ Following a copy of Guillelmus Peraldus' *Summa de viciis* and a *Summa de virtutibus* which may also be by Peraldus there is, on fol. 171, a fifteen line fragment of the beginning of our text. It bears the title 'Penitentie taxate secundum canones'.

A fourth manuscript witness to fragments of this text is Laud lat. misc. 166 of the Bodleian Library, Oxford (hereafter *M*).⁶ This thirteenth-century manuscript contains a copy of the *Speculum iuniorum*, an extensive and erudite *summa* of pastoral theology written about 1250. Copied in the margins of this manuscript are unascribed excerpts from Serlo's treatise.

There are a few points to be noticed concerning this edition. The spelling reproduces that used in *O*, the earliest manuscript. The chapter headings are also, in general, those given in that manuscript. Capitalization, punctuation and paragraphing follow modern practices. All variant readings in the two complete copies of the text (*C* and *O*) are given in a critical apparatus. Since these manuscripts seem to be independent witnesses to the text,⁷ the better reading in each instance has been selected. In cases where the readings are of equal merit *O* has generally been followed. Selected variants from the two fragmentary copies (*U* and *M*) as well as several passages from *C* which have been

⁴ Cf. *A Catalogue of Manuscripts Preserved in the Library of the University of Cambridge* 3 (Cambridge, 1858), pp. 177-82. This is perhaps the John Hatton noted by A. B. Emden, *A Biographical Register of the University of Oxford to 1500* 2 (Oxford, 1958), p. 886.

⁵ Cf. *A Catalogue ... Cambridge*, pp. 447-8; N. R. Ker, *Medieval Libraries of Great Britain: A List of Surviving Books*, 2nd ed. (London, 1964), p. 137.

⁶ Cf. *Catalogi codicum ... Bodleianae*, p. 154.

⁷ That *O* is not a copy of *C* is established by the respective dates of the manuscripts as well as the numerous errors and omissions of *C* against *O*. That *C* is not a copy of *O* can be inferred from the readings where *C* preserves a better reading against errors and omissions in *O*, e.g. p. 13, l. 6 (initium *O*: vicini *C*); p. 14, l. 7 (mente *O*: necesse *C*); p. 22, l. 15 (per *C*: om. *O*).

judged to be additions to the actual text of the *Summa* are also given in this apparatus. In another apparatus are listed the sources which our author might have used rather than the ancient texts and documents which he cites. Thus, assuming that Serlo had access to collections of texts from the councils and the Fathers rather than the original documents, an effort has been made to find the proximate source from which he draws this information. Where it is not possible to cite proximate sources, reference is made to the original document (where possible) or to another source which, though probably unknown to Serlo, contains the same text.

ABBREVIATIONES

MSS:

- C* = Cambridge Univ. Library, Gg. IV.32.
U = Cambridge Univ. Library, Ii. IV.8.
M = Oxford, Bodleian Lib., Laud lat. misc. 166.
O = Oxford, Bodleian Lib., Laud lat. misc. 112.

Qui bene presunt = 'Summa magistri Ricardi de Werese [Wetheringsett]...', London, British Library, Royal 9 A XIV.

TempDni = *Templum Domini* = 'Summa quam magister Robertus Grosseteste ... composuit', Oxford, Rawlinson A.384.

Barth. = Adrian Morey, *Bartholomew of Exeter, Bishop and Canonist ... with the text of Bartholomew's Penitential from the Cotton Ms. Vitellius A.12*. Cambridge, 1937.

Burch. = Burchardus Wormaciensis, *Decretorum libri viginti* (PL 140. 537-1058).

Chobham = *Thomae de Chobham Summa confessorum*, ed. F. Broomfield (Analecta mediaevalia Namurcensia 25; Louvain, 1968).

Flamb. = *Liber poenitentialis of Robert of Flamborough*, ed. J. J. Francis Firth (Studies and Texts 18; Toronto, 1971).

Grat. = *Decretum Magistri Gratiani*, ed. Aemilius Friedberg (Leipzig, 1879).

Raym. = *Summa Sancti Raymundi de Peniafort Barcinonensis Ord. Praedicator, de poenitentia et matrimonio...* (Rome, 1603).

X. = *Extravagantes Gregor. IX*, ed. Aemilius Friedberg (Corpus iuris canonici 2, Decretalium collectiones; Leipzig, 1881).

Hic incipit quedam summa magistri Scerle de penitentia.^a

Qui vult confiteri peccata ut inueniat gratiam querat sacerdotem qui sciat ligare et solvere ne, cum neggligens circa hoc extiterit, neggligatur ab eo qui eum^b misericorditer monet, et ne ambo in foveam cadant quam stultus vitare noluit. Tanta itaque est vis confessionis ut si ille cui confitebitur potestatem solvendi non habeat fit tamen dignus venia ex sacerdotis desiderio qui crimen confitetur^c socio.¹ Set hoc specialiter intelligendum est in articulo mortis vel etiam de venialibus.

In quibus casibus licet adire alium sacerdotem, scilicet in tribus:^d Primus est si sit revelator secretorum, quoniam^e Gregorius dicit deponendum^f cum hac conditione, ut^g omnibus diebus vite sue^h ignominiosus pergat, ut xxxiii Causa, quest. vi, in fine.² Secundus casus est in peccati participatione; *adi Rom.* ii, dicitur tali sacerdoti qui particeps est criminis:^k In quo alium iudicas, te ipsum condempnas.³ Tertius est in iudicandi^l indiscretionem, quia si cecus cecum^m ducat ambo in foveam cadunt,ⁿ *Math.* xv.⁴ In aliis vero casibus non est subditi^o confessorum eligere et proprium prelatum vitare. Precipit enim beatus Petrus, *i epistula Petri*, ii cap.:^p non solum subdi prelati^q modestis, set etiam discipulis.⁵ Set hoc intellige quamdiu tollerat eos ecclesia sicut^r exponitur in canone.⁶

De confitente, Capitulum i.^s

Augustinus, *libro de penitentia*, que attendenda^t sunt a confitentibus: Consideret^u confitens qualitatem criminis in loco, in tempore, in perse-

^a Hic ... penitentia: Hic incipit liber penitenciarum capitulum i. C: Incipit penitencie taxate secundum canones U. ^b om. C. ^c confiteatur C. ^d In quibus ... tribus: Quot modis potes eligere alium sacerdotem in confessione, ii. Dicendum est quod in tribus casibus licet adire alium sacerdotem C. ^e quem C. ^f disponendum C. ^g vera C. ^h om. C. ⁱ om. C. ^k criminum C. ^l in iudicandi: iudicandi in C. ^m cecus cecum: secus secum C. ⁿ cadent M. ^o licitum subditis alium C. ^p epistula ... cap.: pe. ii C. ^q bonis et add. C. ^r sic C. ^s De confitente, Cap. i.: om. C. ^t attendenda C. ^u considerat C.

¹ Grat., *De poen.*, D.6 c.1.

² Grat., *De poen.*, D.6 c.2.

³ Rom. 2:1.

⁴ Mt. 15:14.

⁵ 1Pt. 2:18.

⁶ Grat., C.15 q.8 c.5, in titulo.

verantia, in varietate persone, et quali hoc fecerit temptatione, quia in ipsius vicii executione oportet eum penitere fornicantem secundum excellentiam sui status vel officii vel secundum modum meretricis et secundum^x modum operis sui, et qualiter turpitudinem egit si in loco sacro^y vel si in tempore orationi constituto ut sunt festivitates et tempora ieiunii. Consideret quantum^z perseveraverit et defleat quod perseveranter (f. 398vb) peccavit et quantum perseveranter et quanta victus fuerit in pugnatione. Sunt enim qui non solum non^a vincuntur set se ultro offerunt peccato, nec expectant temptationem set preveniunt voluntatem. Et pertractet^b secum quam multiplici actione vicii delectabiliter peccavit.^c Omnis ista varietas confitenda est et deflenda ut, cum cognoverit quod peccatum est, cito inveniatur deum propitium. In cognoscendo augmentum peccati^d inveniatur cuius etatis sit, cuius sapientie et ordinis. Inmoretur in singulis istis et sentiat modum criminis, purgans lacrimis omnem qualitatem vicii. Defleat virtutem^e qua interim caruit. Dolendum est enim^f non solum quia^g peccavit set quia virtute se privavit. Defleat etiam quod offendens in uno, factus est omnium reus. Ingratus enim extitit^h qui plenus virtutibus deum omnino non timuit. In hoc est quisque peccator culpabilior quo est deo acceptior. Ideo enim Adam plus peccavit quia omniⁱ bono habundavit, alio etiam modo offendens in uno factus est omnium reus quia omnis virtus detrimentum patitur ab uno vicio.⁷

De verecundia, ii.^k

Augustinus, quod non est dividenda confessio per plures sacerdotes!^l Caveat confitens ne ductus verecundia dividat apud se confessionem ut diversa velit diversis sacerdotibus manifestare. Quidam enim uni celant quod alii manifestandum¹¹ conservant,^m quod est se laudare et ad ypocrisim tendere etⁿ semper veniam carere. Cohibeat^o se a ludis et spectaculis scilicet qui vult perfectam consequi remissionis gratiam.⁸

^x et secundum: et in *O*: vel in *C*. ^y sacro *C*. ^z qualiter *C*. ^a nunc *C*. ^b pertractant *C*. ^c peccaverint *C*. ^d propitium ... peccati: propitium in cognoscendo augmentum peccati. *O C*. ^e virtute *C*. ^f om. *C*. ^g quod *C* ^h existit *O* ⁱ omnino *C* ^k De ver. ii: iiiii *C* ^l per ... sacerdotes: om. *C* ¹¹ manifestanda *O* ^m custodiunt *C*. ⁿ vel *C* ^o cohibet *C*

⁷ Grat., *De poen.*, D.5 c.1.

⁸ Grat., *De poen.*, D.5 c.1, nn. 7 et 9.

De ordine confitendi, iii.^p

Confitendum autem^a est secundum ordinem viciorum potius quam secundum ordinem locorum et temporum ne confundantur auditus et memoria confessorum. Penitens vero ad misericordiam sperandam hiis exemplis provocandus est: Quod Dominus primum hominem eduxit a delicto, id est Adam, *Sap.* x.⁹ Postmodum vota patrum exaudivit de limbo secundum Psalmistam: Clamaverunt iusti et Dominus exaudivit eos.¹⁰ Jonam etiam exaudivit clamantem de lacu novissimo, *Jonas* ii.¹¹ David vero penitenti de adulterio et homicidio (f. 399a) concessit veniam, ii^s *Regum* xii.¹² Ezechie flenti ter^t quinos annos dedit ad vitam, *Ysa.* xxxviii.¹³ Petrum lacrimantem respexit, *Matt.*, in fine.¹⁴ Cananeam^u et publicanum vocavit ad penitentiam; de Cananea,^x *Matt.* xv,¹⁵ de publicano *Matt.* ix.¹⁶ Paulum persecutorem convertit, *Act. ap.*^y ix.¹⁷ Magdalenam peccatricem mundavit, *Luc.* vii.¹⁸ Latronem in cruce conversum suscepit in gratiam, *Matt.* in fine.¹⁹

Set sicut speranda est misericordia ita timenda est iusticia, quia licet Dominus sit dulcis, ut dicit Psalmista, est etiam et rectus.²⁰ Et non est exaudienda vox corvi cantantis in fenestra, *Soph.* ii,²¹ qui^z semper dicit crastina, crastina.²² Et *Ecclesiasticus* v: Non tardes converti ad Dominum, quia cito ira ab illo approximabit.²³ Et Martialis philosophus: Sera vita est vita crastina, vive hodie.²⁴ Dicit etiam Gregorius quod qui penitenti^a

^p De ord. conf. ii: Quod confitendum est secundum ordinem. v C ^q om. C ^r v C ^s vi
C ^t cui C ^u Cananeum C ^x Cananeo C ^y om. C ^z que C ^a penitendi O

⁹ *Sap.* 10:2.

¹⁰ *Ps.* 33:18.

¹¹ *Jn.* 2:3.

¹² 2 *Reg.* 12:3.

¹³ *Is.* 38:5.

¹⁴ *Mt.* 26:75.

¹⁵ *Mt.* 15:22-8.

¹⁶ *Mt.* 9:9-12.

¹⁷ *Ac.* 9:3-22.

¹⁸ *Lc.* 7:37-50.

¹⁹ *Lc.* 22:39-43; cf. *Mt.* 27:44.

²⁰ *Ps.* 24:8.

²¹ *Soph.* 2:14.

²² Cf. Hans Walther, *Carmina medii aevi posterioris latina* 2: ... Lateinische Sprichwörter ... in alphabetischen Anordnung (Göttingen, 1963), no. 3608: 'Cras, cras, corvus ait, nigrum mutabo colorem.'

²³ *Eccus.* 5:8-9.

²⁴ *Epigrammata* 5.58.

veniam spondet diem crastinum non promittit.²⁵ Nec credat peccator scelera sua Deum^b latere qui intuetur corda hominum in absconditas partes, *Ecclesiasticus* xxiii.^{c26} Ideo dicit Beda super *Lucam*: Secure prodas peccatum tuum cum^d scias illud esse precognitum.^{e27}

Ad sacerdotem. De officio sacerdotis, iiiii.^f

Videndum est quid possit^g sacerdos de^h officio suo scilicet quatuor: solvere, ligare, consecrare, sacramenta dispensare. Solvit, id est solutum ostendit, vel penamⁱ iniunctam relaxat, vel ad sacramentorum communionem admittit vel ecclesie reconciliat. Et hec valent ad hoc quod^k innotescat ecclesie quod penitens particeps est superne^l caritatis et orationis. Ligat per opus iusticie^m scilicet satisfactionem imponendo, vel excommunicando, vel ligatum ostendendo utⁿ non contrito penitentiam negando, quamvis dicat decretalis Innocentii De penitentiis, quod nulli est penitentia neganda,²⁸ hoc intelligatur de eo in quo signum aliquod contritionis appareat, quia^o in pertinacibus manifeste vel ecclesie inobedientibus aut finaliter inpenitentibus nulla imponitur penitentia. Monendi tamen^p sunt tales secundum Gregorium ut dum possunt faciant aliqua de genere bonorum per que proficiant ad gratie impetrationem.²⁹

Item ad supradicta plenius cognoscenda, (f. 399b) sciendum est^q quod quadruplex est vinculum irretiens peccatorem: Primum est excommunicationis, secundum satisfactionis. Set hiis ligat ecclesia et remittit ea^r Deus auctoritate, sacerdos ministerio.^s Tertium est vinculum culpe, quartum obnoxietatis pene. Hiis ligat homo se ipsum, set culpam remittit Deus semper immediate per gratiam, penam vero quandoque

^b Domino C ^c i C ^d ut C ^e Revocandi eciam sunt peccatores per auctoritates, ut nolo mortem peccatoris etc. Et in quacumque hora ingemuerit peccator, salvus erit etc. Item maius gaudium est in celo super uno peccatore etc. Item Greg.: Omnis malicia hominis ad dei misericordiam, tanquam scintilla in medio maris *add. C*; cf. *TempDni*, f. 102 ^f Ad sac ... iiiii: Quid potest sacerdos ex officio vi C ^g potest C ^h ex C ⁱ penitentiam C ^k non *add. C* ^l fraterne C ^m tristicie C ⁿ vel C ^o quod C ^p om. C ^q om. C ^r om. C ^s misterio C

²⁵ *Homil.* 1.12.6 (PL 76.1122).

²⁶ *Eccus.* 23: 25-8.

²⁷ Non inveni.

²⁸ *X.*, 5.38.9; cf. *Raym.*, 2.5.10, p. 176b.

²⁹ Cf. Chobham, p. 7, n. 16.

solus Deus, quandoque^t sacerdos, quandoque contritio, quandoque exterior satisfactio.

Item parochialis sacerdos vel ille cui episcopus licenciam audiendi confessionem commiserit, de omni peccato potest penitentiam imponere nisi in casibus exceptis. Primus^u est de hiis qui sollempniter penitent.³⁰ Et est^x sollempnis penitentia que imponitur in capite^y quadragesime cum sollempnitate, Dist. L,^z In capite.³¹ Sollempnis et non ita proprie, quando aliquis invitatus ab episcopo ad eam cogitur pro aliquo notorio peccato,^a que infligitur tantum ab episcopo vel sacerdote episcopo permittente.³²

Item^b non debet sollempnis penitentia imponi clerico nisi deposito quia talis non promovetur nec ministrat in ordine suscepto. Nec potest depositus contrahere matrimonium; si tamen contraxerit tenebit, Dist. L, Confirmandum,³³ et xxvi Causa,^c q. vi.³⁴

Item alia est^d publica penitentia que aliquando^e dicitur sollempnis quia sit cum quadam sollempnitate^f ut peregrinari per mundum cum baculo vel veste tali. Nec invenitur prohibitum quin sacerdos posset eam parochiano imponere.³⁵ Item sollempnis non iteratur, Dist.^g iii, Reperiuntur.³⁶ Item publica non solet imponi clerico nisi deposito, nec ponitur^h nisi pro notorio et manifesto, Dist.ⁱ vi, Sacerdos.³⁷

De excommunicatis, v.^k

Alius casus est de excommunicatis quos aliquando absolvit sacerdos aliquando non³⁸ ut in maiori excommunicatione que in sexdecim casibus infligitur: Quandoque a iure, quandoque a iudice, ut quando quis incidit vel sustinet heresim dampnatam et sciens, vel confingit novam.

^t solus *add. C* ^u casus *add. C* ^x est sollempnis: ex sollempni *C* ^y ieiunii *add. C* ^z Dist. L: Dig. lege *C* ^a *om. C* ^b Quod sollempnis penitentia non debet imponi clerico. vii *Add. C* ^c Dist ... Causa: Digest. leg. confirmandum et xxii *C* ^d alia est: *om. C* ^e quandoque *C* ^f quia ... sollempnitate: *om. C* ^g Dig. *C* ^h deponitur *C* ⁱ leg. *C* ^k De excom. v: Item *C*

³⁰ Raym., 3.34.17, p. 452b.

³¹ Grat., D.50 c.64; Raym., 3.34.6, p. 440b.

³² Raym., *ibid.*

³³ Grat., D.50 c.65; Raym., *ibid.*, p. 441a.

³⁴ Grat., C.26 q.6 c.14; Raym., *ibid.*

³⁵ Raym., *ibid.*, p. 441.

³⁶ Grat., *De poen.*, D.3 c.2; Raym., *ibid.*, p. 441b.

³⁷ Grat., *ibid.*, D.6 c.2; Raym., *ibid.*

³⁸ Raym., 3.34.17, p. 452b.

Quando quis recipit vel favet hereticis scienter vel publicatiis. Quando quis scismaticus est recedens scilicet ab unitate ecclesie (f. 399va) Romane. Quando quis percutit vel verberat personam religiosam ut clericum vel conversum vel monialem vel leprosum de collegio. Quando quis invasor est vel exactor rei ecclesiastice post trinam amonitionem. Quando quis incendit ecclesiam vel domum post publicam sententiam. Quando quis violat ecclesiam cuius causa debet reconciliari. Quando quis coadiutor est Saracenorum contra Christianos in armis vel in aliis prohibitis. Quando quis falsarius est litterarum domini pape vel falsatas retinet ad usum post quindecim dies. Quando quis sortilegus est precipue cum re sacra vel crismate vel corpore Christi. Quando quis simoniacus est principaliter vel procuratorie. Quando quis usurarius est. Quando quis decimas debitas et prius solutas detinet. Quando quis statuta facit contra libertates ecclesie vel favet talibus. Quando quis communicat excommunicato, favendo ei. Quando quis suspensus divina celebrat.³⁹

Tertius casus est ubicumque invenitur irregularitas contracta, sive maior sive minor, tunc mittitur confitens ad episcopum pro minori vel ad papam pro maiori.⁴⁰

Alii casus sunt qui specialiter spectant ad episcopum qui hiis versibus continentur:^m

Deditus usure, faciens incendia, falsus
 Testis, sortilegusⁿ falsarius atque monete
 Tonsor, legatum^o impediens, a canone victi,^p
 Supponens partumve^q necans, rerumque sacrarum
 Raptor, presbitero nequeunt a simplice solvi.⁴¹

Intellige: si ista sunt^r notoria nichil^s potest in eis sacerdos sine dispensatione episcopi. Potest vero si^t privata.

Isti casus sunt in quibus papa reservat sibi absolutionem.^u Primus est cum quis verberat clericum quem nullus absolvit^x nisi papa, exceptis vii casibus quorum primus est si sit in articulo mortis, xvii Causa, q.iiii, Si

¹ ut quando quis incidit vel sustinet heresim ... divina celebrat: *om. C* ^m Versus. viii *add. C* ⁿ sortilegi *O* ^o legatumque *O* ^p victi *C* ^q partumque *C* ^r sint *C* ^s non *C* ^t sint *add. C* ^u ix: *add. C* ^x absolvat *C*

³⁹ *TempDni*, fol. 101; cf. Raym. 3.33.10, pp. 386-8.

⁴⁰ Raym., 3.34.17, p. 452b.

⁴¹ *Qui bene presunt*, fol. 79v; cf. 'Summula of Bp. Peter Quinel' (A.D. 1287?), c. 32, *Councils and Synods with Other Documents relating to the English Church*, 2, A.D. 1205-1313, ed. F. M. Powicke and C. R. Cheney (Oxford, 1964), p. 1073.

quis suadente.⁴² Secundus,^y si sit hostiarius et ex deliberatione clericum percusserit^z nec tamen turpiter violaverit,^a *Extra.* eodem titulo,^b Si vero.⁴³ Tertius, si regularis verberat regularem vel secularis secularem dummodo in communi vivunt, tunc absolvuntur a suis prelati, *Extra.*, eodem titulo, Monachi.^{c44} Quartus, si sit mulier, *Extra.*, eodem titulo.^{d45} Quintus, (f. 399vb) si sit servus ne cedat^e in dampnum domini.⁴⁶ Sextus, si sit levis iniuria illata clerico.⁴⁷ Septimus, si sit infirmus vel pauper, impubes, senex, valitudinarius, *Extra.* eodem titulo, Quod de hiis.^{f48} Quidam ponunt octavum casum de illo qui habet capitales inimicitias^g et de facili posset incurrere periculum mortis.⁴⁹ In istis octo^h casibus potest verberans clericum absolvi a suo episcopo. In primo tamen et duobus ultimis debet absolvendus iurare quod cessante impedimento presentet se sedi apostolice.⁵⁰

Secundus casus pertinens ad sedem apostolicam, de eo qui incendit ecclesiam, et est denunciatus ab episcopo quia ante denunciationem posset absolvi a suo episcopo. Tertius est de illo qui frangit ecclesiam et est denunciatus. Quartus est de illo qui scienter participat excommunicatis a papa.⁵¹ Quidam addunt quintum de eo qui communicat excommunicato in crimine. Delinquit enim in eum qui crimen tale dampnavit.⁵² Et nota quod, cum sollempniter excommunicatus redit ad penitentiam, prostratus ante ianuam ecclesie postulabit veniam. Et tunc episcopus introducet eum in ecclesiam et dicentur septem Psalmi, deindeⁱ Kyrieleyson, Pater noster,^k Salvum fac servum tuum,^l cum hac oratione:^m Presta, quesumus, Domine, huic famulo tuo dignum penitentie fructum ut ecclesie tue sancte a cuius integritate deviaveratⁿ peccando, admissorum^o veniam consequendo, reddatur innoxius, per Christum Dominum nostrum.^{p53}

^y est add. C ^z percussit O ^a violavit O ^b eodem titulo: evagante C ^c Monachis C ^d ii C ^e cadat C ^f Extra ... hiis: om. C ^g inimicos C ^h septem C ⁱ letania add. C ^k et ave add. C ^l om. C ^m cum hac oratione: et hec oratio. oratio x C ⁿ deviavit C ^o commissorum C ^p amen add. C

⁴² Grat., C. 17 q. 4 c. 29; Raym., 3. 33. 23, p. 401a, et 3. 33. 12, p. 390b.

⁴³ X., 5. 39. 3; Raym., 3. 33. 12, p. 390b.

⁴⁴ X., 5. 39. 2; Raym., ibid.

⁴⁵ X., 5. 39. 6; Raym., ibid.

⁴⁶ X., 5. 39. 6 et 37; Raym., ibid., p. 390b-391a.

⁴⁷ X., 5. 39. 17; Raym., ibid., p. 391.

⁴⁸ X., 5. 39. 26; Raym., ibid.

⁴⁹ Cf. Raym., ibid., p. 391b-2a.

⁵⁰ Raym., ibid.

⁵¹ Raym., ibid., p. 401b-2a.

⁵² Cf. Raym., ibid., p. 402a.

⁵³ Grat., C. 11 q. 3 c. 108.

Urbanus Papa II: Placuit ut deinceps nulli sacerdotum^a liceat quemlibet commissum alteri sacerdoti ad penitentiam suscipere sine illius consensu cui se prius commisit nisi forte propter ignoranciam ipsius cui prius^r penitens confessus est. Quod si quis facere temptaverit, gradus sui^s periculo subiacebit.⁵⁴ Set intellige istum canonem supponere tres casus superius positos in quibus licet confessorem sibi eligere.¹⁵⁵

De penitentia infirmorum. Theodorus Cantuariensis archiepiscopus:^u Ab infirmis in periculo mortis positis pura est inquirenda confessio peccatorum. Non tamen illis imponenda est quantitas penitentiae set innotescenda et cum amicorum orationibus et elemosinarum studiis pondus penitentiae^x sublevandum.⁵⁶ Item ex Consilio Cartagensi: Aliorum testimonio moriturus reconcilietur si obmutuerit vel in frenesim^y (f. 400a) versus fuerit.⁵⁷ Item Julianus Papa: Si penitentiam presbiter morientibus abnegaverit, reus erit animarum.⁵⁸ Set quare non iniungatur^z morientibus penitentia^a ratio est quia forte sepe timore iniuncta^b suscipiunt^c et postea convalescentes contempnunt, et ideo non iniunguntur^d ne gravius peccent. Preterea subplebitur in purgatorio quod pretermissum est in laboris stadio; *ad*^e *Corinth.* cap.^f iii,⁵⁹ purgabitur autem quasi^g per ignem.^h

^a sacerdoti C ^r se add. C ^s sub O ^t De hiis qui mittendi sunt penitenciaro episcopi. xi. Sciendum est quod penitentes cuiusmodi sint pupplici fornicatores, incendiarii, falsi testes, periurantes super sacrosancta propter lucrum vel dampnum aliorum, sortilegi. sive sorciarii. falsarii sigillorum et cartarum. tonsores monete, impediens testamentum rationabile, et huiusmodi mittendi sunt ad episcopum vel ad eius penitenciarium. Qui autem incidunt in canonem late sentencie destinandi sunt ad Curiam Romanam, maxime si percusserint clericum nisi in casibus qui expiuntur in versibus sequentibus: (xii) Percutens clericum, romam petat; expiantur / Nesciens, erudiens, leviterque iocans, minor etas, / Ianitor et pauper, et servus vimque repellens, / Feminus sexus,. Valitudo, religiosus, / Adiunctis cum personis, feriens coeuntes, / Et claustralis habens inimicos hostia servans. Versus de hiis qui nequeunt absolvi a simplicis sacerdotibus. xiii. Qui facit incestum, deflorans. aut homicida. Sacrilegus, patrum percussor. sic sodomita. Transgressor voti, periurus sortilegusque. Et mentita fides, faciens incendia prolis. Oppressor, blasphemus, hereticus. omnis adulter. Pontificem super hiis semper devotus adhibet. De penitentia infirmorum secundum Theodorum. xiiii add. C; cf. *TempDni*, f. 101 et *Qui bene presunt*, f. 52^v-3. ^u Episcopus C ^x est add. C ^y frenesim C ^z iniunguntur C ^a penitencie C ^b Timore iniuncta: timorem iniuncta penitentia C ^c suscipiunt C ^d iniungitur O ^e om. C ^f om. C ^g om. C ^h De penitentia septenni. xv add. C

⁵⁴ Grat., *De poen.*, D.6 c.3.

⁵⁵ Supra, nn. 2-4.

⁵⁶ Grat., C.26 q.7 c.1.

⁵⁷ Grat., C.26 q.6 c.8, in titulo.

⁵⁸ Grat., C.26 q.6 c.12.

⁵⁹ I Cor. 3:13; cf. Raym., 3.34.55, p. 486a.

Septennis penitentia pro quolibet mortaliⁱ iniungitur quia septenarium peccatorum vel semper fere^k coniungitur, vel e vicino^l contrahitur. Item quia tota vita peccantium septenario finitur. Item quia septiformis^m gratia per peccatum perditur. Item quia penitens redimit penam anime et corporis in quibus septenarius continetur scilicet tres anime vires et quatuor elementa corpus componentia.⁶⁰ Hoc etiam figuravit exclusioⁿ Marie per vii dies a castris ut dies pro anno reputetur, *Numeri* xii.⁶¹ Et ista penitentia facienda est in ieiuniis, orationibus, vigiliis, elemosinis secundum qualitatem peccatorum et quantitatem et delectationem peccati, et diuturnitatem et facilitatem peccandi vel^o difficultatem, et secundum conditiones personarum — divitum, pauperum, iuvenum, senum^p et cetera — secundum quod examinatio discreti sacerdotis dictaverit, quoniam penitentie arbitrarie sunt^q secundum Jeronimum,⁶² licet taxentur^r in districto^s examine canonum. Et quod rigor canonum modo temperatur, multiplici cause^t imputatur: tam quia natura infirmior, fervor amoris corpulentior,^u gratia minor, casus frequentior.⁶³

De peccatis mortalibus. Primo de superbia, vi.^x

Primum mortalium peccatorum est superbia, que est prave^y celsitudinis appetitus secundum Augustinum xiiii *De civitate Dei*,⁶⁴ cuius species sunt secundum Gregorium inobedientia, presumptio, pertinacia, contencio, heresis, iactantia, indignatio, ypocrisis.^{z65} Huius vicii remedium est humilitas cordis, oris et operis, quia ut dicit Johannes^a super *Matheum* iii: In superbia nulla est penitentia.⁶⁶ Ideo presbitero: Humilia animam tuam, *Ecclus.* vii.^{b67} Item Beda: Si superbus ultra modum fuisti, humilia te in conspectu Dei; si vanam gloriam dilexisti,

ⁱ peccato add. C ^k ferre O ^l in vicino C ^m septennis C ⁿ ex conclusione C ^o et C ^p senium C ^q penitentie ... sunt: penitencia ... est C ^r taxetur C ^s discreto C ^t causa C ^u copulencior C ^x De pec. ... vi: Sequitur de penitencia superbie. De superbia xvi C ^y proprie C ^z et plures alie add. C ^a Jeronimus C ^b iiii C

⁶⁰ Cf. Chobham, p. 328.

⁶¹ Num. 12:14-5; cf. Raym., 3.34.41, p. 473b-4a.

⁶² Grat., *De poen.*, D.1 c.86; cf. Flamb., p. 203, n. 2.

⁶³ Cf. Chobham, p. 325.

⁶⁴ 14.13, PL 41.420.

⁶⁵ Cf. *Moral.* 31.45 (PL 76.621); Burch. 19.6 (PL 140.977); Barth. c. 38, p. 204.

⁶⁶ Cf. Grat., *De poen.* D. 1 c. 87

⁶⁷ Eccus. 7:19.

cogita ne propter transitoriam laudem eternam perdas mercedem.⁶⁸ Item superbo iniungatur crebra oratio que pestem mentis sanat, ut dicit Jeronimus.⁶⁹ Iniungantur eciam ei vilia opera satisfactionis.

De invidia, vii.^c

Prima (f. 400b) filia superbie est invidia, que secundum philosophum est tristitia de prosperitate alicuius vicini,^{d70} id est dolet de bono^e alterius^f et gaudet de malo. Et secundum Gregorium et Augustinum, invidia est dolor aliene felicitatis cuius species sunt dolor de alieno bono, gaudium de malo proximi.⁷¹ Unde invidus est specialis discipulus diaboli cuius invidia mors intravit in orbem terrarum,^g *Sap.* ii.⁷² Tercia species est detractio. Quarta, susurrium,^h id est occultum murmur. Quinta est odium quod est ira inveterata secundum Bernardum.ⁱ⁷³ Sexta, amaritudo anime. Septima, discordia. Octava, derisio. Nona, iniqua accusatio. Decima, Depravatio. Undecima, malitia, cum qua convenit nequitia et malignitas.

Remedium huius peccati est fraterna^k caritas ad quam monendus est penitens pro modulo suo ut rancorem a corde deponat, et omnia signa caritatis emulo suo ostendat, et oret pro eius conversione exemplo Christi crucifixi orantis et dicentis: Pater dimitte illis quia nesciunt quid faciunt.⁷⁴

De ira, viii^l

Post invidiam sequitur de ira, que oritur ex superbia et invidia ut^m dicit Gregorius.⁷⁵ Et est ira appetitus concitatiⁿ spiritus, *Proverb.* xxvii,⁷⁶

^c xvii C ^d initium O ^e bonis C ^f alicuius C ^g terre C ^h susurrio C ⁱ Bedam C ^k superna C ^l secunda filia xviii C ^m om. O ⁿ concita C

⁶⁸ Burch., 19.7 (PL 140.977).

⁶⁹ Raym., 3.34.35, p. 469.

⁷⁰ 'invidia est filia superbie que secundum filosofum est tristitia de alicuius prosperitate, id est, ...' M; *Saint John Damascene, De fide orthodoxa: Versions of Burgundio and Cerbanus*, ed. E. M. Buytaert (St. Bonaventure, N.Y., 1955), c. 28, p. 121.

⁷¹ Greg., *Moral.*, 31.45, PL 76.621; Aug., *Enarr. in Psalm.* (CSSL 40.1545).

⁷² *Sap.* 2:24.

⁷³ Thomas de Froidmont, *Liber de modo bene vivendi ad sororem* 36 (PL 184. 1258).

⁷⁴ Lc. 23:34.

⁷⁵ *Moral.*, 31.45 (PL 76.621 f.).

⁷⁶ Prov. 27:4.

id est per illam turbatur anima rationalis que est natura spiritualis.⁷⁷ Species ire sunt odium, discordia, rixa, contumelia, iniuria, inpatientia, protervitas, furor, clamor, blasphemia, obprobrium, conminacio.^o

Remedium ire, ix^p

Remedium ire est virtus mansuetudinis ad quam monendus est iracundus ut consideret quod homo est animal mansuetum natura, quia dicit Gregorius: Qui ex humana ratione se non temperat necesse^a est ut bestialiter solus vivat.⁷⁸ Consideranda sunt etiam iracundo pericula que solent nasci ex ira. Non solum periculum animarum set etiam corporum ut mutilationes membrorum et quandoque etiam homicidium.

Penitentia homicidii est hec, ex Concilio Elebertano:⁹⁹ Si qua femina furore zeli accensa ancillam verberaverit ita quod in tertia die animam cum cruciatu emittat, si voluntarie hoc fecerit^r septennis penitentia^s imponitur.^t Si casu,^u quinquennis, et peracta legitima penitentia ad communionem potest admitti. Si tamen prius occurrat infirmitas, prius communicet.⁷⁹

De modo penitentie homicidii,^x x.^y

(f. 400va) Modus penitentie ipsius homicide^z ex Concilio Neocesariensi et Triburiensi et ex decreto Melchiadis pape, quod si quis sponte homicidium fecerit et per cupiditatem, xl diebus ecclesiam non ingrediatur. Nudis pedibus incedat in tenui veste et absque femoralibus. Nichilumat nisi tantum panem et salem et aquam bibat. Nullam communionem hebeat cum Christianis antequam xl dies compleantur. Reliquias eius nullus manducet. Si infirmitate detentus fuerit, differatur penitentia donec sanitati restituatur. Si autem longa egritudine detentus fuerit, in ordinatione episcopi^a erit qualiter tractari debeat. Post quadraginta dies resumat vestes et calciamenta, et per totum primum annum a vino et medone et cervisia^b abstineat, et a carne et a^c caseo et pinguibus nisi in festis^d diebus qui in illo episcopatu

^o om. O ^p om. C ^a mente O ⁹⁹ Elebritano C ^r fecit O ^s ei add. C ^t im-
ponatur C ^u hoc fecerit add. C ^x om. O ^y xix C ^z homicidii sumitur C ^a om.
C ^b similia C ^c om. C ^d festivis C

⁷⁷ Cf. Greg., *Moral.* 5.45 (PL 75.723 ff.).

⁷⁸ *Moral.* 5.45 (PL 75.724).

⁷⁹ Grat., D.50 c.43; Barth., c.55, p. 222.

celebrantur, et nisi in itinere peregrinationis sit, vel detentus infirmitate, vel alia iustissima causa. Tunc liceat ei precio denarii tres^e pauperes pascere et sic feriam terciam et quintam et sabbatum redimere. Ita tamen ut, cum redierit domum, de tribus potibus superius positis redimendi^f nullam habeat^g potestatem. Item ex eodem Concilio: In secundo anno similiter ieiunet nisi quod tertia feria et quinta et sabbato potestatem habeat redimendi^h pretaxato precio. Item ex eodem Concilioⁱ per singulos autem^k annos qui remanent tres quadragesimas et legitimas ferias debet ieiunare. Set tertia et quinta feria et sabbato sumat quicquid velit. Secundam autem feriam et quartam^l redimat supradicto precio. Sextam autem feriam semper observet in pane et aqua, et vii annis completis sacram communionem accipiat et^m ea tamen ratione ut nunquam sine penitentia vivat. Dispensatur tamen cum eo ut redimat supradicto precio. Set hoc de misericordia est non de canonica censura, quia canon precipit ut si quis per cupiditatem homicidium fecerit, seculum relinquat et ingrediatur monasterium et ibi iugiter Deo deserviat.ⁿ⁸⁰

Item decretum Martini pape: Si quis voluntarie homicidium fecerit ad ianuam ecclesie catholice semper iaceat, et communionem in exitu vite percipiat.⁸¹ Set ista (f. 400vb) de rigore canonum sunt edita, quia secundum Jeronimum penitentie arbitrarie sunt, id est in arbitrio discreti sacerdotis posite.⁸² Numquam tamen homicida sit sine penitentia, id est sine ieiunio et^o oratione et elemosina. Et cum alios homines gaudere viderit, ipse si potest tristis erit quia suam spem proprie leticie privavit, causamque peremit.^p Item Augustinus: Non solum homicidas dicimus qui manibus hominem^q occidunt set etiam eos per quorum consilium et fraudem et exhortationem homines extinguuntur. Nam Iudei Dominum nequaquam^r propriis manibus interfecerunt sicut scriptum est: Nobis non licet interficere quemquam. Set tamen mors eius illis imputatur quia lingua eum^s interfecerunt dicentes: crucifige

^e precio ... tres: predicto die dare tres denarios vel C ^f positis redimendi: unum redimi C: positis unde redimendi O ^g habet C ^h redimi C ⁱ Consilio C ^k alios C ^l Secundam autem feriam et quartam: Secunda autem feria et quarta O ^m om. C ⁿ serviat C ^o om. C ^p suam spem proprie leticie privavit, causamque peremit: suam speciem proprie leticie causam peremit O: suam spem proprie leticia privavit, causamque peremit C ^q homines C ^r ex add. C ^s om. O

⁸⁰ Barth., cc.41-4, pp. 210-11.

⁸¹ Grat., D.50 c.44.

⁸² supra, n. 62.

eum.⁸³ Item ex Concilio Leremensi;^t Si plures contra unum rixati fuerint et ab hiis vulneratus mortuus fuerit, quicumque eorum ei plagam imposuerit secundum statuta canonum homicida iudicatur. Reliqui autem qui eum impugnabant volentes interficere, similiter peniteant. Qui vero nec consilio nec auxilio cooperatores fuerunt set tantum^u affuerunt^x extra noxam sunt.⁸⁴ Intellige extra noxam quoad peccatum quia omnes qui adsunt homicidio sive ex parte iniuriantium sive ex parte eorum quibus iniuria fit, si ibi^y movent^z arma, si in auxilium venerint^a vel^b cum animo ledendi,^c sive repellatur eorum violentia sive non, irregulares fiunt, Dist.^d ii, Si quis post acceptum,⁸⁵ et *Extra*. De clerico percussore, Presentium.⁸⁶ Qui vero nulla voluntate nocendi venerunt,^e extra noxam sunt. Secundum Augustinum tamen intra^f sacros ordines constituti^g nec etiam^h spectaculis interfectorum vel vulneratorum interesse debent.⁸⁷ Argumentumⁱ titulo De duellis et alibi dicit canon quod clerici lacrimosis spectaculis interesse non debent, et licet causa levitatis et^k curiositatis accesserint,^l dispensationem episcopi querant priusquam in gradibus suis ministrent.^{m88}

Item Nicholaus Papa, xxxiii Causa,ⁿ questione ii, Latorem: Qui patrem vel^o matrem interfecerit sub iugo penitentiae permaneat ut per annum integrum^p ecclesiam non ingrediatur set, ante fores^q basilice^r stans, in oratione perseveret. Anni circulo conpleto licentiam^s habeat intrandi ecclesiam, set sacra(f. 401a)mentum altaris non percipiat. Completis autem trium annorum circulis sacre communionis gratia ei^t concedatur.^u In quatuor annis qui sequuntur cum tribus precedentibus carnem^x non manducet nec vinum bibere presumat exceptis festis^y diebus atque dominicis et a pascha usque ad pentecosten. Nullo deducatur vehiculo quocumque ire voluerit set pedibus proficiscatur. Arma non sumat nisi contra paganos. Tribus diebus per ebdomadam ieiunet usque ad vesperam. A propria uxore non separetur ne corruat

^t Jerocenensi C ^u set tantum: si tamen C ^x affuerint C ^y sibi C ^z moverit
O ^a veniunt O ^b om. C ^c animo ledendi: anima sedendi C ^d Dig. C ^e veniunt
C ^f infra C ^g constitui C ^h om. C ⁱ in marg. C ^k vel C ^l accesserunt
O ^m ministrant C ⁿ xxxiii Causa: tercius secundam C ^o et C ^p unum C ^q foros
C ^r ecclesie C ^s petat et add. C ^t om. C ^u conceditur O ^x carnes C ^y festivis C

⁸³ Grat., *De poen.*, D.1 c.23; Barth., c.53, p. 221.

⁸⁴ Grat., C.23 q.8 c.34; Barth., c.53, p. 221.

⁸⁵ Grat., D.51 c.4; cf. Raym., 2.1.7, p. 153b-4.

⁸⁶ X., 5.25.3; cf. Raym., ibid.

⁸⁷ Grat., *De poen.*, D.5 c.1, no.9.

⁸⁸ Cf. X., 5.14.1-2.

in fornicationis voraginem.^z Si autem ante trium annorum cursum finis vite illius appropinquaverit, corporis et sanguinis Domini^a particeps fiat. Si autem strenuus in penitendo appareat, gratia episcopi circa^b eum micus agat.⁸⁹

De penitentia homicidii, xi.^c

Stephanus papa de eo qui interficit^d uxorem, xxxii Causa, quest. ii, Ammonere:^e Placeat tibi consilium nostrum ut qui uxorem interfecisti ingrediaris monasterium, et humiliare sub manu abbatis, et observa tibi cuncta imperata ut bonitas Dei ignoscat tibi. Sin^f autem publicam penitentiam in domo tua permanens vel in mundo agere vis, quod tibi peius et durius erit, exhortamur ut vinum et siceram^g non bibas omnibus diebus quibus penitere debes. Carnem^h non comedas nisi in pascha et die natalis Domini. In pane et sale et aqua penitentiam agas.ⁱ In ieiuniis et vigiliis et orationibus^k et elemosinis omni tempore persevera.^l Armis numquam cingeris nec in aliquo loco litigare^m presumas. Uxorem numquam ducas. Balneo numquam laveris.ⁿ Conviviis^o letantium numquam miscearis. Corporis et sanguinis Domini communione semper indignum te existimes.^p Si tamen sit qui in exitu^q tribuat, concedimus ut accipias.^{r90}

Ecce quod sceleracius^s est commissum, quod gravius est vindicatum, ut xxiii, q. i, Non afferamus.^{t91} Tamen matricidium^u est gravius in se, uxoricidium ex pronitate et libidine occidendi.^{x92}

Item ex Concilio Elebertano: Si mater filium suum sponte occidat, xv annis peniteat; si paupercula hoc fecerit pro difficultate (f. 401b) nutriendi,^y vii annis.⁹³ Alii consulunt patrem vel matrem hoc facientem ingredi monasterium et ibi semper penitere nisi fragilitas compellat^z in seculo manere cum supradicta^a penitentia. Si autem nescienter et

^z voragine C ^a Dei C ^b contra C ^c De ... xi: De interfectore uxoris sue secundum Stephanum papam xx. C ^d interfecit C ^e Amovere C ^f Si C ^g ciseram C ^h carnes C ⁱ agat C ^k om. C ^l perseverat C ^m om. C ⁿ lavaris C ^o communis C ^p estimes C ^q exitum C ^r accipiat C ^s quod sceleracius est: celerosius C ^t astamus C ^u matrimonium C ^x De filiis occisis. xxi add. C ^y pro ... nutriendi om. C ^z eum add. C ^a predicta C

⁸⁹ Grat., C.33 q.2 c.15; Barth., c.49, p.215f.

⁹⁰ Grat., C.33 q.2 c.8; Barth., c.50 p.218-9.

⁹¹ Grat., C.24 q.1 c.21; Raym., 3.34.43, p.475b.

⁹² Raym., ibid.

⁹³ Barth., c.49, p.218.

nolenter hoc fecerint,^b tribus annis in pane et aqua peniteant,^c *Extra*. De hiis qui filios occidunt,⁹⁴ et ii Causa, q. v, Consuluisti;⁹⁵ et ibi^d interdicitur^e iudicium aque et ferri.^f

Item ex *Penitentiario Romano*: Si quis inhonorat patrem aut matrem, tribus annis peniteat, si manum levaverit aut percusserit,^g vii annis.^{h96}

Item ex Concilio Warmansi:ⁱ Si quis aliquem ex ecclesiasticis viris Deo dicatis per auxilium vel consilium^k occiderit, per singulos ordines et gradus singulariter penitere debeat,^l ut psalmista,^m xl diesⁿ in pane et aqua cum septem annis sequentibus; similiter pro lectore, exorcista, hostiario, acolito. Et qui presbiterum occiderit, cum ipse vii ordines habeat, sic peniteat ac si septem homicidia commisisset, carnem^o non manducet nec bibat vinum cunctis^p diebus vite sue. Cotidie ieiunet usque ad vesperam exceptis festis^q diebus et dominicis. Arma non ferat.^r Equum non ascendat. Ecclesiam per quinquennium non ingrediatur, set ante fores eius stet. Post quinquennium^s intret, set non^t communicet ante annos xii. Post licentia tribuitur^u communicandi et equitandi.⁹⁷

Item secundum leges qui subdiaconum occiderit, trecentos solidos ponat.^x Qui diaconum, quadringentos. Qui presbiterum, quingentos. Qui episcopum, nongentos.^y Qui monachum, quadringentos.⁹⁸

Item ex VI Synodo: Qui occiderit monachum vel^z clericum mundum relinquat et in monasterio Deo^a deserviat, numquam reversurus, et vii annis penitentiam publicam agat.⁹⁹

Item de hiis clericis qui in^b obsidione sunt vel in necessitate positi^c que necessitas^d inevitabilis sit nec culpa precessit, post duos annos penitentie in ieiuniis et orationibus tolerantur in ordinibus suscepti set

^b om. C ^c peniteat C ^d ita C ^e interdicitur O ^f De inhonoracione patris et matris. xxii add. C ^g aut percusserit: peniteat C ^h De homicidio ordinatorum. xxiii add. C ⁱ Warnianensi C ^k concilium C ^l debet C ^m ut psalmista: ut per psalmistam C ⁿ peniteat add. C ^o carnes C ^p cunctis C ^q festis C ^r feret C ^s ingrediatur ... quinquennium: om. C ^t set non: nec C ^u licentia tribuitur: liceat ei C ^x trecentos solidos ponat: tres centenos Psalmos componat C ^y nongintos C ^z aut C ^a om. C ^b om. C ^c om. C ^d scilicet add. C

⁹⁴ X., 5.10.1-3; Raym., 2.1.12, p.159.

⁹⁵ Grat., C.2 q.5 c.20; Raym., ibid.

⁹⁶ Barth., c.49, p.218.

⁹⁷ Burch., 19.5 (PL 140.955-6); cf. Flamb., p. 212 n.52.

⁹⁸ Grat., C.17 q.4 c.27.

⁹⁹ Grat., ibid., c.28.

non promoventur ad maiores, Dist.^e L, De hiis clericis, et cetera.^{f100} Tamen si sit sacerdos, Augustinus^g cessare consulit, vel ut dispensationem querat.¹⁰¹

Item non est liber ab homicidio qui alium liberare potuit et non fecit, *Extra*. eodem titulo, (f. 401v) Sicut dignum. Quidam tamen hoc intelligunt de habentibus iudiciariam potestatem.^{h102}

Item ex Concilio Anchiritano:ⁱ Mulier fornicans et partum necans x annorum tempore peniteat.¹⁰³ Item ex Concilio Lerdensi:^k Si qua mulier alteram docuerit ut conceptum fetum^l extinguat, vii annis peniteat. Mulier que fetum excussit unum annum per^m ferias legitimas,¹⁰⁴ et hoc si fetus nondum animatur, quiaⁿ Augustinus super *Exod.* xxi:^o Informe puerperium noluit lex pertinere ad homicidium.¹⁰⁵ Si autem post conceptum spiritum excussit, tribus annis peniteat per legitimas ferias.¹⁰⁶ Et sunt ferie legitime secundum Melchiam papam quarta et sexta,^p quia quarta cogitavit Judas traditionem Domini, sexta Dominus est crucifixus.¹⁰⁷ Secunda etiam feria dicitur legitima in Gangrensi^q Concilio, quia eo^r die cepit evidens persecutio Iudeorum in Dominum.¹⁰⁸ Item si mulier oppresserit^s infantem sine voluntate, vel pondere vestimentorum vel negligencia, xl dies peniteat in pane et aqua, et post^t in quolibet trium annorum per^u legitimas ferias. Et hoc si infans baptizatus fuerit. Si autem non,^x xl dies in pane et aqua cum vii annis sequentibus, et numquam sit sine penitentia.¹⁰⁹

Est autem homicidium quadruplex: aliud iusticie, aliud necessitatis,^y aliud voluntatis,^z aliud casuale.^{a110} Illud quod est iusticie et casuale^b

^e Dig. C ^f om. C ^g om. C ^h De documento interfecti pueri. xxiii add. C ⁱ Anchiritano C ^k Lerdensi C ^l factum C ^m per bis C ⁿ dicit add. C ^o xx O ^p quarta et sexta: quattuor in septimana C ^q Gangusi C ^r eodem C ^s oppressit O ^t postea C ^u om. O ^x Si autem non: sin autem C ^y necessitate C ^z voluntate C ^a causale O ^b causale O

¹⁰⁰ Grat., D.50 c.36 et c.6; cf. Raym., 2.1.4, p.152a.

¹⁰¹ Cf. Grat., D.50 c.36 *D. post*; Raym., 2.1.5, p.153a.

¹⁰² X., 5.12.6, no.2; Raym., 2.1.7 et 14, pp. 154a et 160b.

¹⁰³ Burch., 19.5 (PL 140.972); Barth., c.56, p.222.

¹⁰⁴ Burch., 19.5 (PL 140.972).

¹⁰⁵ Grat., C.32 q.2 c.8.

¹⁰⁶ Burch., 19.5 (PL 140.972).

¹⁰⁷ Grat., *De cons.*, D.3 c.16; cf. *ibid.*, c.14.

¹⁰⁸ Grat., D.82 c.5.

¹⁰⁹ Burch., 19.5 (PL 140.975).

¹¹⁰ Cf. Raym., 2.1.3, p.148.

penam habent^c scilicet irregularitatem set non culpam nisi ex circumstantiis. Voluntarium vero et illud^d quod vitari potuit culpam habent^e et penam.

De peccato accidie, xii.^f

Sequitur de peccato accidie cuius species sunt timor, rancor, desperatio, pusillanimitas, querela, torpor, necgligentia, remissio.^g Et est accidia tedium boni, vel^h ex frustratis rebus et carnis voto turbate mentis anxietudo.^{110a}

Penitentia accidiosus imponenda est oratio vocalis et manualis, id est opus et memoria passionis Dominice,ⁱ memoria ministerii angelorum qui indefesse Deo serviunt, memoria laboris sanctorum quorum longus fuit labor et modica requies ut dicit Jeronimus^k super Marcum vi: Requiescite pusillum.¹¹¹ Item valet accidiosus sancta lectio et spiritualis collocutio et quandoque corporalis^l consolatio.

De avaricia, xiii.^m

Sequitur de peccato avaricie que est immo(f.401vb)derata libido habendi secundum Augustinum xiiii *De civitate Dei*.^{111a} Dicit enim quod avaricia non est auri viciu[m] set hominis perverse amantis aurum.¹¹² Huius species sunt rapina, furtum, violentia, periurium, usura, fraus, fallacia,ⁿ calumpnia, mendatium, falsum testimonium.

Et est^o rapina violenta usurpatio rei aliene, vel exaccio vel extorsio. Et tenetur raptor^p ad restitutionem omnium ablatorum et deperditorum. Et similiter omnes turpes persone ut focarie ordinatorum accipientes a prelatis, clericis, canonicis, conversis, qui dare non

^c habet C ^d id C ^e habet C ^f De ... xii: De accidia. xxv C ^g timor ... remissio: Negligentia, parvipendencia, tedium boni, ocium, rancor, tristitia, dispensacio, pusillanimitas, omissio, desperacio, torpor, querela, timor, vana diligencia C ^h tedium boni vel: om. C ⁱ Domini C ^k Johannes O ^l corporis C ^m xxvi C ⁿ falsa C ^o Et est: Est autem C ^p rapina C

^{110a} 'Accidia est tedium boni ex frustratis rebus et carnis et mentis anxietudo', M. Cf. Siegfried Wenzel, *The Sin of Sloth: Acedia in Medieval Thought and Literature* (Chapel Hill, N.C., 1960), p. 218 n. 17e: 'Ex frustrato rebus contrariis voto turbatae mentis anxietudo, et rei bonae bene gerendae taedium.'

¹¹¹ *Glossa ordinaria* Mc. 6:31, PL 114.202.

^{111a} 14.15 (PL 41.424).

¹¹² *ibid.*, 12.8 (PL 41.355-6).

potuerunt bona monasterii in turpi commercio.¹¹³ Idem^a dicendum de filiis religiosorum quos nutriunt de bonis ecclesie. Omnes isti^r tenentur ad restitutionem nisi causa elemosine fuerit eis aliquid concessum in summa necessitate, lxxxvi^s Dist., Pasce fame morientem,¹¹⁴ quoniam si possent restituere et non restituunt penitentiam simulant et non proficiunt,^u ut xiiii, Quest. vi, Si res aliena.¹¹⁵

Fit autem rapina duobus modis, aut rei corporalis aut spiritualis, ut possessionis, vel fame et^x honoris. Qui autem famam abstulerit,^y laboret^z quibus potest modis predicando coram quibus personam denigravit^a cum alia satisfactione competenter imposita.¹¹⁶

Item miles qui adinvenit malas tallias in villa nec^b potest eas^c supprimere debet dare aliqua publica commoda levis vel saltem pauperibus.¹¹⁷ Item religiosi qui emunt pasturas et culturas debent restituere levis personis et baptismali ecclesie, quia non vult apostolus quod eorum habundantia sit aliorum inopia, *ad Corinthios* ii, viii capitulo.¹¹⁸ Item caveant religiosi qui iniuste detinent possessiones et predia pauperum et cotidie comedunt panem impietatis et vinum iniquitatis bibunt, *Proverb.* iiii, quia longa prescriptio nichil suffragatur ubi^e iniqua est possessio,¹¹⁹ quia diuturnitas temporis non minuit peccatum set auget, ut in illa decretali Innocentii iii¹²⁰ et xiiii Causa quest. v, Neque: Que ex radice corrupta prodeunt omnia corrupta sunt.¹²¹ Et Gregorius in *Moralibus*: Infecta radice, omnes rami pululant in venenum.¹²² Ita est de iniqua possessione ad quoscumque fuerit translata.^f

Item qui detinet iura ecclesie ut decimas vel^g oblationes gravius peccant quam qui ea (f. 402a) que hominum sunt rapiunt. Unde qui decimas detinent, ad decimum ordinem angelorum cadencium^h per-

^a Item C ^r om. C ^s xlvi C ^t etc. add. C ^u proficiunt C ^x vel C ^y abstulit C ^z om. C ^a denigraverit C ^b non C ^c ea O ^d ad Cor. ii, viii capitulo: Cor. viii C ^e nisi C ^f transacta. De iuris ecclesie. xxvii C ^g et C ^h de celo add. C

¹¹³ Cf. Raym., 2.5.6-9, pp.170-4.

¹¹⁴ Grat., D.86 c.21; Raym., 2.5.9, pp.173b-4.

¹¹⁵ Grat., C.14 q.6 c.1; Raym., ibid., p.173b.

¹¹⁶ Cf. Raym., 2.5.42, p.215.

¹¹⁷ Cf. Flam., p.186.

¹¹⁸ 2 Cor. 8:14.

¹¹⁹ Prov. 4:7; cf. Grat., C.16 q.3 c.11.

¹²⁰ X., 5.3.8; Raym., 2.3.1, p.163a.

¹²¹ Grat., C.14 q.5 c.9; Raym., 2.7.17, p.252.

¹²² Non inveni.

tenant. Augustinus: Si tu illi decimam non dederis ad decimamⁱ revocaberis.^k Dabis impio militi quod non vis dare sacerdoti.¹²³ Ieronimus: Amico rapere quippiam^l furtum est, ecclesiam fraudare^m sacrilegium est.¹²⁴

Item si iniuste oppugnat rex vel princeps terminos alienos et heredes expellitⁿ ut Alexander Magnus et Nabugodonosor et Sennacherib, tenetur ad restitutionem; eciam si iustum fuerit bellum et ultra necessaria stipendia acceperint, rapina reputabitur, ut xxiii Causa, quest. i,^o Militare.¹²⁵ Si autem bellum iustum fuerit, necessaria stipendia accipere potest ab adversariis, ut xxiii Causa, quest. ii, Dominus Deus iubet.^{oo126}

Modus faciendi restitutionem est restituere ablata ipsis lesis vel eorum heredibus vel propinquis vel, si non sunt legitimi heredes, fiat restitutio secundum consilium^p ecclesie. Et hoc faciat raptor per se si potest, vel per^q personam interpositam si non audet nec potest. Et^r si non est ei facultas unde restituat, semper sit ei plena restituendi voluntas si pinguior^s fortuna occurrat,¹²⁷ quia ut dicit Beda: Sufficit voluntas ubi deest facultas.¹²⁸

Item ad rapinam pertinet si quis inventum non reddit.^t Augustinus: Si quid invenisti et non reddidisti, rapuisti.¹²⁹ Et mentitur lex que dicit contrarium: Quod in nullius bonis continetur, occupanti conceditur.¹³⁰

Semper moneatur raptor ad restitutionem in quantum potest, et preter hoc inponatur ei penitentia sicut pro alia criminali noxa.^x Et notandum quod omnes raptores tripliciter peccant: primo, multum cum^y rapiunt, secundo, cum res spoliatorum diu in eorem dampnum detinent; tercio, plus cum res illas apud alios obligant. Unde tenentur non solum satisfacere de omni priore sorte set de dampno quod in-

ⁱ non add. C ^k set add. C ^l quispiam C ^m defraudare C ⁿ expellat C ^o iii
C ^{oo} De restitutione rapine, xxviii C ^p concilium C ^q per om. O ^r vel C ^s pigrior
C ^t quis ... reddit: quid inventum est et non redditur C ^u moveatur O ^x criminalia noxia
C ^y multum cum: cum multum C

¹²³ Grat., C. 16 q. 1 c. 66; cf. Raym., 1. 15. 16, p. 137.

¹²⁴ Raym., ibid., p. 138a.

¹²⁵ Grat., C. 23 q. 1 c. 5; cf. Raym., 1. 5. 4, p. 168.

¹²⁶ Grat., C. 23 c. 2 c. 2; cf. Raym., 1. 5. 4 et 17, pp. 168, 184.

¹²⁷ Cf. Raym., 2. 5. 44, pp. 216-7.

¹²⁸ Cf. Grat., *De poen.*, D. 1 c. 87 d. post, no. 2; *Pierre le Chantre, Summa de sacramentis et animae consiliis*, ed. Jean-Albert Dugauquier, 2 (Louvain, 1957), p. 71, n. 67.

¹²⁹ Grat., C. 14 q. 5 c. 6.

¹³⁰ Cf. Grat., C. 14 q. 5 c. 9 no. 1; Chobham, p. 489.

tulerunt per diutinam^z detentionem, quia secundum legem: Qui occasionem dampni^a dat dampnum dedisse videtur.^{b131}

Usura comes rapine est quia ut dicit Ambrosius: Qui usuram accipit rapinam facit.¹³² Quia secundum Augustinum: Non est crudelior qui eripit diviti quam qui fenore trucidat^c pauperem.¹³³ Item ex Concilio Lateranensi: Quia in omnibus fere locis crimen usurarum invaluit ut multi aliis negotiis pretermisiss quasi licite usuras exerceant et qualiter utriusque testamenti pagina condempnentur^d nequaquam(f.402b) attendant. Ideo constituimus ut usurarii manifesti nec ad communionem altaris admittantur nec Christianam^e si in^f peccato decesserint accipiant sepulturam, set nec oblationem eorum quisquam accipiat. Qui contrarium fecerit, ab executione officii maneat donec ad^g arbitrium sui episcopi satisfaciatur.¹³⁴ Item Jeronimus super *Ezechielem*: Omnem superhabundantiam et^h omnia munuscula diversorum generum supra sortem data et accepta vocat usuram.¹³⁵ Et canon dicit: Quocumque nomine censetur usura est.¹³⁶ Et notandum quod usurarius simul cum uxore et filiis et servientibus ad plenam tenentur restitutionem usque ad mendicationemⁱ panis cotidiani nisi aliquid habuerint de legitima possessione vel licito labore^k quibus restituant.¹³⁷ Et tenetur usurarius restituere omne lucrum cum sorte, quia^l que ex radice corrupta procedunt omnia corrupta^m sunt, xiiii Causa, quest. v, Neque.¹³⁸ Et preter restitutionem iniungatur ei penitentia debita peccato criminali, quia ut dicit Euticianus papa: Ubi penitentia non exprimitur pro mortali peccato,ⁿ regularis penitentia debet iniungi.¹³⁹ Suple:^o illa que est in feriis legitimis et tribus quadragesimis per annum et orationibus et ieiuniis et elemosinis.

^z diuturnam C ^a occasionem dampni: occasione C ^b De usura et eius crimine xxix *add.*
C ^c crucidat C ^d condempnetur C ^e set *add.* C ^f hoc *add.* C ^g om. C ^h vel
C ⁱ mendicatem C ^k vel licito labore *om.* C ^l Et C ^m corruptibilia C ⁿ set *add.*
C ^o super C

¹³¹ Cf. *Pierre le Chantre* 3 (Louvain, 1961), p.122.

¹³² Grat., C.14 q.4 c.10; cf. Raym. 2.7.17, p.242.

¹³³ Grat., C.14 q.4 c.11, in titulo.

¹³⁴ c.25; X., 5.19.3.

¹³⁵ Grat., C.14 q.3 c.2.

¹³⁶ Grat., C.14 q.3 c.3.

¹³⁷ Cf. Grat., C.14 q.6 c.1.

¹³⁸ supra, n.21; cf. Raym., 2.7.17, p.242.

¹³⁹ Non inveni.

De furto, xiv^p

Sequitur de furto, quod est attractio rei aliene, domino invito.¹⁴⁰ In lege qui furatus fuerit,^q pro uno bove reddat^r quinque, pro una ove quatuor, et tangitur superadditum^s cum ablato, *Exodo* xxii.¹⁴¹ Unde perpenditur quod gravis pena corporalis vel pecuniaria simul cum restitutione ablati inponenda est. Set beatus Gregorius Papa distinguit quod quidam^t habentes subsidia furtum perpetrant, quidam ex inopia delinquant. Unde necesse est ut quidam dampnis, quidam verberibus, quidam districtius, quidam vero lenius corrigantur.¹⁴²

Item^u ex *Penitentiali Theodori*:^x Si quis furtum capitale commiserit, id est^y quadrupedia tulerit vel casas^z fregerit,^a vii annis peniteat et quod furatus est reddat. Si quis vero de minoribus semel aut bis furtum fecerit, reddat quod tulit et per unum annum peniteat. Et si quis sepulcrum violaverit, tribus annis peniteat et unum^b ex hiis in pane et aqua.¹⁴³ Item ex eodem libro: Si quis per necessitatem furatus fuerit cibaria vel vestem vel pecus^c per famem aut per nuditatem, per tres ebdomadas peniteat. Si autem reddiderit, non cogatur ieiunare.¹⁴⁴ (f. 402va) Hoc est quod dicitur in *Proverbiis* vi: Non grandis est culpa cum quis furatur, furatur enim^d ut esurientem impleat^e animam.¹⁴⁵

De sacrilegio, xv.^f

Sacrilegium species est furti gravior suo genere. Est autem sacrilegium quod in ecclesia vel rebus ecclesiasticis committitur. Et^g tripliciter committitur ut distinguit Johannes papa: Vel auferendo sacrum de sacro, vel non sacrum de sacro, vel sacrum de non sacro.¹⁴⁶

Item Lucius papa: Omnes ecclesie raptores atque suarum facultatum alienatores a liminibus matris ecclesie anatematizamus^h et apostolica

^p xxx C ^q fuerat O ^r redderet O ^s superadditur C ^{ss} om. C ^t quid C ^u om.
C ^x Theodocii O ^y id est: scilicet C ^z casos C ^a affregit C ^b annum add.
C ^c vel add. C ^d furatur enim: om. C ^e reficiat C ^f xxxi C ^g quod
C ^h anathematizamus C

¹⁴⁰ Cf. Raym., 2.5.22, p.192.

¹⁴¹ Ex. 22:1 ff.

¹⁴² Grat., C.12 q.2 c.11; Barth., c.86, p.252.

¹⁴³ Barth., ibid., pp.252-3; cf. Grat., C.17 q.4 c.17.

¹⁴⁴ Barth., ibid.

¹⁴⁵ Prov. 6:30.

¹⁴⁶ Grat., C.17 q.4 c.21, no. 2.

auctoritate dampnamus atque sacrilegos esse iudicamus, et non solum eos set omnes consentientes eis, quia non solum qui faciunt rei iudicantur set etiam qui facientibus consentiunt. Par enim pena consentientes et agentes reprehendit.¹⁴⁷

Item Nicholaus papa: Si quis vasa sacri altaris temerario ausu presumpserit manibus pollutis attractare,ⁱ uno anno extra ecclesiam consistat. Secundo anno ante fores^k ecclesie et sine communione maneat. Tercio anno ecclesiam ingrediatur set non oferat, neque carnem^l manducet, neque vinum bibat. Quarto anno si in prioribus tribus annis fructuosus labor penitentie eius inventus fuerit, communioni fidelium plene restituatur, et sanguinem Domini suscipere mereatur. Et sic usque ad septimum annum tribus in ebdomada diebus cum devotione ieiunet sine esu^m carniū et vini potatione.¹⁴⁸

Item si quis presbiter autⁿ diaconus inventus fuerit aliquid de ministerio ecclesie vendidisse, quia sacrilegium commisit placuit eum in ordinatione ecclesiastica non haberi. In iudicio tamen episcopi est^o si in suo gradu debeat recipi.¹⁴⁹

Item ex *Penitenciariorum Romano*: Si quis aliquid de ministeriis ecclesie quolibet modo furatus fuerit, vii annis peniteat.¹⁵⁰ Item ex Concilio Agatensi:^a Si quis clericus vel monachus furtum fecerit quod potius sacrilegium dici potest, id censuimus^r ordinandum ut, si iunior^s est virgis cesus, sub manu viri religiosi et discreti condigne peniteat. Si maior tanti criminis reus, numquam ecclesiasticum officium recipiat. Si vero iam ordinatus fuerit et in hoc facinore deprehensus, dignitate priuetur.¹⁵¹ Intellige hoc de rigore dictum.^t

Item Julius papa: Si quis ecclesiam igne conburit,^u (f. 402vb) x^x annis peniteat, et eandem cum sollicitudine^y restituat, et de bonis que habet habundanter^z tribuat.¹⁵²

Item Clemens papa: Nemo per ignorantiam clericum mortuum cre-

ⁱ et ad usum communem applicare *add. C* ^k foras *C* ^l carnes *C* ^m usu *C* ⁿ vel *C* ^o om. *C* ^p Concilio *C* ^a Vergacensi *C* ^r sensuimus *C* ^s minor *C* ^t De combustoribus ecclesiam xxxii *add. C* ^u conburat *C* ^x xii *C*. ^y solitudine *C* ^z pauperibus *add. C*

¹⁴⁷ Grat., C. 17 q. 4 c. 5; Barth., c. 87, pp. 254-5.

¹⁴⁸ Grat., C. 12 q. 2 c. 17; Barth., *ibid.* p. 254.

¹⁴⁹ Grat., D. 50 c. 22.

¹⁵⁰ Barth., c. 86, p. 253.

¹⁵¹ Barth., c. 87, p. 253.

¹⁵² Barth., c. 87, p. 254; cf. Grat., c. 17 q. 4 c. 14.

dat involvendum, aut eius scapulas velit operire palla que fuit in altari, aut certe^a que diacono data est in mensa Domini. Qui hoc fecerit, si diaconus est, triennio et sex mensibus erit remotus a dominico altari gravi percussus anathemate. Eo quod clericum non ammonuerit, presbiter x annis, et v mensibus excommunicatus sit, et postea cum grandi humilitate reconcilietur matri^c ecclesie.¹⁵³

De sortilegio, xvi.^d

Quia sortilegium cum sacrilegio communicare solet ut cum fatui furantur res ecclesiasticas ad divinationes^e faciendas, ideo post sacrilegium de sortilegio.^f Et est sortilegium ubi sortes mittuntur vel aliquod genus divinationis exercetur ut^g augurium, vel auspiciu, vel incantatio. Sunt enim divinationis multe species:^h Alia pyromantia, alia nigromantia, alia ydromantia, aliaⁱ geomantia.¹⁵⁴ Hec omnia sunt prohibita et dampnata sicuti ydolatria, xxvi Causa, q. iiii et q. v, ubi dicit canon Gregorii: Si quis ariolos, aruspices^k vel incantatores observaverit aut philateriis usus fuerit, anathema sit.¹⁵⁵ Item ex Concilio Toletano: Si quis episcopus aut presbiter aut diaconus vel quilibet de ordinibus clericorum huiusmodi exercuerit, ab honore dignitatis ecclesiastice^l suspensus sit.¹⁵⁶

Item si qua fornicaria mulier in tantum fornicatorem^m dilexeritⁿ ut arte sortilega eum corrumpere^o velit ut nec uxorem ducere posset nec cum ea commisceri,^p xl dies in pane et aqua peniteat et semper sit in penitentia.^{q157} Si qua mulier misceat sanguinem suum menstruum in cibo vel^r potu et dat viro ut plus diligatur ab eo, vii annis peniteat per ferias legitimas.¹⁵⁸ Item si quis acceperit corpus vel^s sanguinem Domini, vel crisma, vel rem sacram et non fuerit istis usus secundum constitu-

^a certa C ^b amonuerit, presbiter: amoverit. Presbiter O: amovit. Presbiter C ^c matri
C ^d xxxiii C ^e dominaciones C ^f dicendum est add. C ^g vel C ^h sicut patet per
divisionem: Divinacio add. C ⁱ alia ... alia ... alia ... alia: om. C ^k aruspices C ^l ecclesie
C ^m fornicationem C ⁿ dilexit C ^o corripere C ^p commiscere C ^q Item add.
C ^r in add. C ^s et C

¹⁵³ Grat., *De cons.*, D.1 c.40.

¹⁵⁴ Cf. Grat., C.26 qq.3-4 c.1; q.5 c.14; Raym., 1.11.1, p.102.

¹⁵⁵ Grat., C.26 q.5 c.1; Barth., c.104, p.272.

¹⁵⁶ Grat., C.26 c.5 c.5; Barth., c.104, p.272.

¹⁵⁷ Burch., 19.5, PL 140.975.

¹⁵⁸ Burch., 19.5, PL 140.974.

tionem^t ecclesie, penitentie legitime^u debite sortilegis^x subiciatur.¹⁵⁹
Collecta sunt hec^y ex diversis conciliis.

De penitentia periurii, xvii.^z

De penitentia periurii, ex Concilio Mantensi: Si quis convictus fuerit alios^a ad falsa testimonia vel periuria traxisse vel quacumque corruptione sollicitasse, ipse quidem usque ad(f. 403a) exitum vite sue non communicet. Hii vero qui in periurio ei consenserunt,^b postea ab omni testimonio sunt removendi,^c et secundum legem infamia notabuntur.^{d160} Item Gelasius papa: Si quis periuraverit et alios sciens^e in periurium duxerit, xl dies peniteat in pane et aqua et vii sequentibus annis comuni penitentia, et numquam sit^f sine penitentia nec alii eius consocii.¹⁶¹ Item Pius papa: Qui compulsus a domino sciens periurat, et dominus et servus periuri sunt; si liber est, xl dies in pane et aqua peniteat cum vii sequentibus annis. Si servus eiusdem domini, tres quadragesimas et legitimas ferias.¹⁶² Et legitime ferie sunt exposite supra.^{g163}

Item iuramentum quod vergit^h in deterius non est observandum set salubriⁱ consilio^k mutandum. Ysidorus: In malis^l promissis recinde fidem. In turpi voto muta decretum, xxii Causa, quest. iiii.¹⁶⁴

Item tribus modis iuramenta contracta solvenda sunt: Primo cum quis male iurat; secundo^m cum incaute iurat non putans esse peccatum; tercio si pueri vel puelle iuramento se constrinxerint parentibusⁿ non contradicentibus.¹⁶⁵

Item si quis duo in iuramento comprehendit quorum alterum sit licitum, alterum illicitum, quod licitum observandum, quod illicitum^o irritandum. Exemplum de Hubaldo qui iuravit se concubinam suam

^t consuetudinem C ^u om. C ^x sortilegio C ^y om. C ^z xxxv C ^a alio C ^b consenserint C ^c amovendi C ^d Vocabuntur O C ^e scienter C ^f om. C ^g Et legitime ... supra: Prout superius sunt exposite C ^h urgit C ⁱ salubriori C ^k concilio C ^l male O ^m ut add. O ⁿ se add. C ^o quod licitum ... illicitum: om. C

¹⁵⁹ Cf. supra, n. 148; Raym., 3. 34. 43, p. 476.

¹⁶⁰ Grat., C. 22 q. 5 c. 7; Barth., c. 73, p. 243.

¹⁶¹ Grat., C. 22 q. 5 c. 4; Barth., ibid., p. 242.

¹⁶² Grat., C. 22 q. 5 c. 1; Barth., ibid.

¹⁶³ supra, nn. 107-8.

¹⁶⁴ Grat., C. 22 q. 4 c. 5; cf. ibid., c. 6; Barth., c. 83, pp. 246-7.

¹⁶⁵ Grat., C. 2 q. 4 c. 19; Barth., ibid., p. 246.

ducturum et matrem^p et fratres a domo expulsurum,^q xxii Causa, quest. iiii, Inter cetera.¹⁶⁶

De mendatio, xviii.^r

Quia periurium nichil aliud est quam mendatium^s iuramento^t firmatum, ideo post periurium sequitur mendatium, cuius octo sunt genera secundum Augustinum.¹⁶⁷ Ad tria tamen possunt reduci: ad mendatium malignitatis,^u benignitatis et ioci.^{x168} Primum semper est mortale quod sic diffinitur: Mendatium est falsa vocis^y significatio cum intentione fallendi.¹⁶⁹ Istud directe semper^z opponitur veritati create; dico create^a quia increata veritas^b non habet oppositum. Istud mendatium^c semper intendit obesse et nulli prodesse ut dicit Augustinus.¹⁷⁰ Alia duo sunt leviora nisi ubi^d assiduitate fiant graviora.¹⁷¹ Omne tamen genus mendatii peccatum est ut dicit Ysidorus; patet, xxii Causa, quest. iii,¹⁷² et *Ecclesiastico* vii:^e Noli velle mentiri omne mendatium, assiduitas enim illius non est bona.¹⁷³ Pro primo igitur (f. 403b) genere imponitur penitentia legitima sicut pro criminali, et cum^f periurio fuerit vallatum, superaddenda est pena^g periurii.

Item Augustinus: uterque reus est qui veritatem occultat et qui mendatium dicit, quia ille prodesse non vult et iste nocere desiderat.¹⁷⁴

De falso testimonio, xix.^h

Quiaⁱ falsum testimonium communicat cum mendatio, sequitur de falso testimonio^k quod^l nulli^m dubium quin sit mortale peccatum cum inⁿ lege Dei sit prohibitum, *Exodo* xx,¹⁷⁵ et *Proverbiis* xxi:^o Testis mendax

^p et matrem: om. C ^q expulerunt eum C ^r xxxvii C ^s quod est add. C ^t iuramentum C ^u et add. O ^x loci C ^y voce C ^z om. C ^a om. O ^b sumpta add. C ^c mendatum C ^d om. C ^e Ecclesiastici vi C ^f penitentia O ^g penitencia C ^h xxxvii C ⁱ qui C ^k falso testimonio: illo C ^l quia C ^m est add. C ⁿ a C ^o om. C

¹⁶⁶ Grat., C. 22 q. 4 c. 22.

¹⁶⁷ Grat., C. 22 q. 2 c. 8.

¹⁶⁸ Cf. Raym., 1. 10. 3, p. 98.

¹⁶⁹ Grat., C. 22 q. 2 c. 5, *D. post*; Raym., 1. 10. 1, p. 97.

¹⁷⁰ Grat., C. 22 q. 2 c. 8.

¹⁷¹ Grat., C. 22 q. 2 c. 14; Barth., c. 84, p. 249.

¹⁷² Grat., C. 22 q. 2 c. 16.

¹⁷³ Eccus. 7:14.

¹⁷⁴ Grat., C. 11 q. 3 c. 80; Barth., c. 95, p. 260; Raym., 2. 5. 40, p. 213b.

¹⁷⁵ Ex. 20:16.

perhibet.¹⁷⁶ Unde testis debet esse persona communis sicuti^p iudex, et pro utraque parte dicere veritatem puram quam scit de facto super quo inducitur non adiecta falsitate, ut *iiii Causa*, q. *iiii*, *Nullus*.¹⁷⁷

Item nichil debet recipere pro testimonio ferendo. Nam sicut sententia non debet esse venalis, ita nec testimonium. Augustinus: In hoc casu multo sceleracius pecunia sumitur quam etiam a volentibus datur, ut *xiiii Causa*, quest. *v*, *Non sane*.¹⁷⁸ Expensas tamen potest testis recipere ab eo qui eum producit, ut *iiii Causa*,^q quest. *iiii*, *Mercuris*.¹⁷⁹

Item cum non sit testis nisi iuratus ut dicit canon,¹⁸⁰ falsus testis est etiam periurus unde imponenda est ei penitentia mendatii et periurii.

Item^s ubi videt quis proximum rem suam amittere propter defectum testimonii, debet testimonium ferre veritati.¹⁸¹ Augustinus: Quisquis metu cuiuslibet potestatis^t veritatem occultat, iram Dei super se provocat quia magis timet hominem quam Deum.¹⁸²

De officio iudicis, *xx*.^u

Quia per falsum testimonium sepe iudex decipitur, bene^x sequitur de officio iudicis, qui vel muneribus corrumpitur vel^y falsis allegationibus decipitur et tunc iudicatur iuste possideri^z quod iniuste deripitur,^a ut dicit Robertus^b super *Leviticum*.¹⁸³ Item si iudex dolo tulit^c sententiam timore vel cupiditate vel odio vel amore vel huiusmodi, tenetur leso ad omne interesse, id est ad plenam satisfactionem, nisi forte posset ille induci pro quo sententia datur, *L Distinctione*,^d *In fine*.¹⁸⁴ Et preter restitutionem, debet ei imponi pena^e sicut pro gravissimo crimine, *xi Causa*, q. *iii*, *Quocumque*.¹⁸⁵ Item si propter ignorantiam male iudicavit^f tenetur leso quantum videtur religioni iudicium.^g¹⁸⁶ (f. 403va)

^p sicut C ^q Causa, quest. v ... Causa: om. C ^r De falso iurante add. C ^s unde C
C ^t cuiuslibet potestatis: cuiuslibet potestati C ^u xxxviii C ^x unde C ^y aut C ^z om.
C ^a decipitur C ^b Rub. C: ^c om. C ^d Dig. C ^e penitentia C ^f iudicaverit
C ^g iudicium O

¹⁷⁶ Prov. 21:28.

¹⁷⁷ Grat., C.4 q.4 c.1; Raym., 2.5.40, p.213.

¹⁷⁸ Grat., C.14 q.5 c.15; Raym., ibid.

¹⁷⁹ Grat., C.4 q.3 c.3 n.40 ('venturis'); Raym., ibid.

¹⁸⁰ Cf. Ivo Carnotensis, *Decretum* 16.204 (PL 160.943).

¹⁸¹ Raym., 2.5.40, p.213.

¹⁸² Grat., C.11 q.3 c.80; Raym., ibid.

¹⁸³ Non inveni.

¹⁸⁴ Raym., 2.5.35, p.208; cf. Grat., C.11 q.3 c.78.

¹⁸⁵ Grat., C.11 q.3 c.79; Raym., ibid.

¹⁸⁶ Raym., ibid.

Item cum iudex restituit pecuniam^h quam male accepit, non tenetur restituere ei qui turpiter dedit set ei in cuius iniuriam data est, Argumentum, xvii Causa, quest. iiii, Si quis in atrio,¹⁸⁷ et i Causa, quest. i.¹⁸⁸ Item si aliquis bona intentione dedit pecuniam ut ius et quietem sibi observaret,^k restituenda est ei, xiiii Causa, quest. v, Non sane.¹⁸⁹

Item iudex ordinarius nec etiam expensas potest a partibus accipere quia propter iusticiam preditus^l est.¹⁹⁰ Item iudicibus dicitur, *Lucas* iii: Estote contenti stipendiis vestris.¹⁹¹ Moderata tamen exennia sponte oblata possunt accipere, Dist. xviii, De eulogiis.¹⁹² Iudex vero delegatus potest moderatas expensas accipere, xii^m Causa, quest. ii, Caritatem.¹⁹³ Nemo enim cogendus est militare suis stipendiis,ⁿ sicut dicit apostolus.¹⁹⁴

De advocatis, xxi.^o

Item falsi advocati cum mendacibus^p et periuris^q et raptoribus et symoniacis puniendi sunt quia veritatem impediunt, supprimunt et vendunt. Quia quamvis liceat advocato vendere iustum patrocinium ut dicit Augustinus, non tamen^r licet ei vendere veritatis consilium quod donum Dei est.¹⁹⁵ Unde socii sunt Symonis Magi et Iude proditoris qui veritatem vendidit^t pactum faciens cum Iudeis, et similes sunt Giezi^s qui sanitatem reddidit et sanitatem amisit, i Causa, quest. i.¹⁹⁶

Item falso advocato penitenti iniungendum^u est ut si habeat in bonis unde restituat, omnibus levis per linguam suam satisfaciat vel saltem si non habet, veniam petat et veritatem predicet, ipsam extollendo quam

^h rem C ⁱ altero C ^k servaretur C ^l prepeditus C ^m xxii C ⁿ suis stipendiis: om.
C ^o De ... xxi: De penitencia advocatorum. xxxix. De falsis advocatis et eorum penitencia
C ^p mendaciis C ^q periuriis C ^r om. C ^s Gysei C ^t reddidit O ^u adiungendum
C

¹⁸⁷ Grat., C. 17 q. 4 c. 7; Raym., 2.5.36, p. 209.

¹⁸⁸ Grat., C. 1 q. 1 c. 126; Raym., ibid.

¹⁸⁹ Grat., C. 14 q. 5 c. 15; Raym., ibid., p. 209.

¹⁹⁰ Raym., 2.5.37, p. 209.

¹⁹¹ Lc. 3:14.

¹⁹² Grat., D. 18 c. 8; Raym., 2.5.37, p. 209.

¹⁹³ Grat., C. 12 q. 2 c. 45; Raym., ibid., p. 210.

¹⁹⁴ 1 Cor. 9:7; Raym., ibid.

¹⁹⁵ Grat., C. 11 q. 3 c. 71; Raym., 2.5.39, p. 212b.

¹⁹⁶ Cf. Grat., C. 1 q. 1 c. 16 et c. 21.

prius vendidit mentiendo.¹⁹⁷ Item non solum tenetur advocatus ad restitutionem hiis contra quos patrocinium prestabat et lesi sunt iniuste per eius pertinaciam set etiam pro quibus prestabat patrocinium si amiserunt^x per eius neggligentiam vel infidelitatem vel imprudentiam. Tenetur etiam solvere sallarium quod extorsit vel ultra condignum^y laborem recepit, xiiii Causa, quest. v, Neque, in fine.^{z198}

Qui contra ius civitatis^a humane furtis, rapinis, calumpniis, oppressionibus, invasionibus^b aliqua abstulerit, reddenda potius quam donanda censemur: verba Augustini sunt ad Macedonium.¹⁹⁹ Item Zacheus, *Luc.* xix: Si quem defraudavi reddo quadruplum.²⁰⁰

Item debet^c advocatus pro Deo simpliciter advocare (f. 403vb) defendendo pauperes, et de sua scientia elemosinam^d dare sicuti^e et medici, *Math.* x: Gratis accepistis, gratis date.²⁰¹

Item^f beneficiatis prohibetur advocatio nisi pro causa ecclesie aut pro misiberabilibus personis caritative, *Extra.*, De postulando, Clerici.²⁰² Item prohibetur monachis advocatio^g nisi pro suo monasterio et hoc de licentia prelati, xvi Causa, quest. i, Monachi.²⁰³

De gula, xxii.^h

Post avaritiam sequiturⁱ gula quia ex rerum ubertate sequitur abusus, secundum Gregorium.²⁰⁴ Ea enim que^k avarus communicare^l proximis odit sepe in suam voluptatem et luxuriam convertit. Et est gula immoderatus appetitus edendi.²⁰⁵ Ebrietas enim^m secundum Ambrosium:ⁿ Vile sepulcrum rationis et spontaneus furor.²⁰⁶ Gule species sunt ebrietas, voracitas, mentis ebetudo, languor, oblivio, crapula; vel^o

^x amiserint C ^y dignum C ^z in fine: om. C ^a contra ius civitatis: contrarius societati C ^b suasionibus C ^c deberet C ^d elemosinas C ^e sicut C ^f om. C ^g om. C ^h De ... xxii: Dicendum est de penitencia gule. xl C ⁱ de add. C ^k Ea enim que: Eo enim quod C ^l cum add. C ^m om. C ⁿ est add. C ^o et C

¹⁹⁷ Cf. supra, n. 116; Raym., 2.5.39, pp. 212-3.

¹⁹⁸ Raym., ibid.; cf. Grat., C. 14 q. 5 c. 15.

¹⁹⁹ Grat., C. 14 q. 5 c. 15.

²⁰⁰ Lc. 19:8; cf. Grat., ibid.

²⁰¹ Mt. 10:8; Raym., 2.5.39, p. 212b.

²⁰² X., 1.37.1; Raym., ibid., p. 211a.

²⁰³ Grat., C. 16 q. 1 c. 35; Raym., ibid., p. 210b.

²⁰⁴ Cf. *Moral.* 1.5 (PL. 75.531).

²⁰⁵ Cf. Hugo de S. Victore, *De sacramentis Christianae fidei* 13.1 (PL. 176.526).

²⁰⁶ Cf. Wm. Peraldus, *Summa aurea de virtutibus et vitiis* (Venice; 1497), fol. 198vb; Vincentius de Beauvais, *Speculum doctrinale* (Douai, 1624), p. 391.

secundum Gregorium: prepropere^p laute, nimis, ardentem, studiose.²⁰⁷ Quantum^q periculum induxit^r gula^s patet in primo parente quia secundum Gregorium,^t non porco set poma perdidit paradisum. Et Esau primogenita,^u non gallina set lenticula.²⁰⁸

De penitentia gule, xxiii.^x

Penitentia gule est in pane et aqua et^y competenti abstinencia secundum quantitatem delicti. Item ex *Penitenciaro Bede*: Si quis per ebrietatem vel voracitatem eukaristiam evomuerit,^z xl dies peniteat. Hoc de clericis, sive monachis sive presbiteris; episcopus vero lxx diebus. Set si pro infirmitatis causa^a hoc fecerit, vii diebus^b peniteat.²⁰⁹ Item in *Canonibus Apostolorum* legitur: Episcopus aut presbiter aut diaconus alee aut ebrietati deserviens, aut desinat aut deponatur. Subdiaconus aut lector aut cantor similia faciens aut cesset aut communione privetur. Similiter et laicus.²¹⁰ Item ex Concilio Agatensi: Triginta^c diebus abstineat a communione clericus quem ebrium fuisse constat.²¹¹ Item ex *Penitenciaro Romano*.^d Qui per ebrietatem vomitum fecerit, si presbiter aut diaconus est, xl diebus^e peniteat; si monachus, xxx; si clericus, xx; si laicus, xv.²¹² Item ex *Penitenciaro Theodori*.^f Sacerdos quilibet qui inebriatur per ignorantiam, vii diebus in pane et aqua peniteat; si per neggligentiam, xx; si per contemptum,^g xxx in pane et aqua.²¹³ Item ex *Penitenciaro Bede*.^h Laicus veroⁱ si per ebrietatem fecerit vomitum, tribus diebus a carne et vino et potu qui inebriare potest abstineat.²¹⁴ Item (f. 404a) ex eodem: Si quis per nequiciam alium inebriat, xl diebus^k peniteat, quod^l si in consuetudine habuerit communione^m privetur donec emendationem prommittat.²¹⁵

^p propere O ^q Quartum C ^r inducit C ^s ut add. C ^{ss} qui C ^t non gallina add. O ^u om. C ^x De ... xxiii: penitencia C ^y om. C ^z vomerit C ^a infirmitatis causa: infirmitate C ^b dies C ^c xxv C ^d Theodori C O ^e dies C ^f Bede C O ^g contemptum C ^h Item ... Bede: om. C O ⁱ om. C ^k dies C ^l et C ^m consone C

²⁰⁷ Cf. Gratian, *De cons.*, D.5 c.22.

²⁰⁸ Cf. *Qui bene presunt*, fol. 61; Greg., *Moral.* 30 (PL 76.557).

²⁰⁹ Grat., *De cons.*, D.2 c.28; Barth., c.102, p.270.

²¹⁰ Grat., *ibid.*, D.35 c.1.

²¹¹ Grat., D.35 c.9, in titulo; cf. Barth., c.102, p.270.

²¹² Barth., *ibid.*

²¹³ Barth., *ibid.*

²¹⁴ Barth., *ibid.*, pp.270-1.

²¹⁵ Barth., *ibid.*

De luxuria, xxiii.ⁿ

Post gulam sequitur^o luxuria, quia ut dicit Jeronimus: Venter^p mero estuans de facili spumat in libidinem.²¹⁶ Et Esicius super *Leviticum*, tercio: Iecur ministrat vim operationis renibus.²¹⁷ Luxuria vero^q est secundum Augustinum, xiiii^r capitulo, *De civitate Dei*, libido que est in genitalibus;²¹⁸ huius species sunt voluptas, inmundicia, turpiloquium, blandicie, ignavia, delicie, petulantia, dissolutio, turpitudine. Vel ad quatuor species possunt omnes^s reduci, que sunt simplex fornicatio, adulterium, incestus, peccatum contra naturam.²¹⁹ Simplex fornicatio est qua^t quis preter legitimam copulam carnali utitur commercio, et pro simplici fornicatione regulariter vii annis peniteat.^{u220}

De adulterio, xxv.^x

Adulterium est quo^y quis maritus alienam^z cognoscit vel uxor ab alieno cognoscitur. Unde ex Anchiritano Concilio penitentia datur: Si quis non habens uxorem mechatus est cum uxore alterius, xl diebus in pane et aqua peniteat cum vii sequentibus annis. Si vero uxoratus cum uxore alterius mechatus fuerit, illa penitentia duplicabitur.²²¹ Item ex^a *Exodo*: numquam deinceps erunt tales sine penitentia. Mulier tamen lenius puniatur.²²² Et hec prefata penitentia ei iniungatur^b qui contra naturam uxore abutitur sicut Onan qui^c a Domino percussus est,^d *Genesi*, xxxviii.²²³

De incestu, xxvi.^e

Incestus est quo quis cognoscit carnali vel spirituali affinitate sibi propinquam. Penitentia traditur ex Maguncensi^f Concilio: Si duo

ⁿ xli C ^o de add. C ^p ventre C ^q om. C ^r iiii C ^s om. C ^t quando C ^u in penitencia C ^x De ... xxv: om. C ^y quando C ^z uxorem add. C ^a om. C ^b iniungitur O ^c sicut Onan qui: sic domina que C ^d percussus est: percutitur C ^e De ... xxvi: om. C ^f Mangunensi C

²¹⁶ Grat., D. 35 c. 5.

²¹⁷ *Glossa ordinaria*, Lev. 3:4, PL 113.305.

²¹⁸ *De civ. Dei*, 14.9 (PL 41.427).

²¹⁹ Cf. Grat., C. 32 q. 7 c. 11; Raym., 3.34.42, p. 474.

²²⁰ Cf. supra, n. 60; contra: Barth., c. 70, p. 237; Chobham, p. 344f.

²²¹ Cf. Burch., 19.5 (PL 140.957).

²²² Cf. Lev. 20:10.

²²³ Gen. 38:8-10.

fratres vel avunculus et^g nepos cum una muliere fornicati sunt, Theodorus episcopus iudicavit quia incestum fecerunt^h xii annis debere penitere, alii x, alii vii.²²⁴ Set ex eodem Concilio penitentia temperatur ut: Si quis fornicatus fuerit cum duabus sororibus, vel cum noverca, vel cum amita,ⁱ vel cum matertera, vel cum filia patrui^k vel avunculi, vel cum filia^l amite sue vel^m matertere, vel cum nepte sua autⁿ filiola quam de fonte suscepit vel ante episcopum tenuit, et si qua mulier simili modo fornicata fuerit, abstineat se ab ingressu domus Dei per annum, et eodem anno nisi^o dominicis diebus et festis^p solummodo (f. 404b) pane et aqua et sale utatur. Set secundo^q anno domum Dei ingrediatur, set carnibus^r et vino et sicera nisi in festis diebus non utatur. Postea vero cum carnibus^s vescetur, a potu quo inebriari potest se contineat, et si potum sumpserit, minime carne vescatur absque precipuis festis, et usque ad obitum suum nisi in predictis festis a carne abstineat. Tres legitimas ferias in omni ebdomada et tres quadragesimas in anno legitime custodiat.²²⁵

Item Urbanus papa vel ex Concilio Triburiensi:^t Si quis cum duabus sororibus fornicatus fuerit, et soror de sorore hoc prius nescierit, si^u digne penituerit et continere noluerit,^x post vii annos coniugia illis non negentur. Si autem non ignoraverint, usque ad mortem a communione se abstineant.²²⁶

Item qui cum sorore uxoris sue post coniunctum^y matrimonium rem habuerit scienter copulam maritalem demeruit, ut ex Concilio Tiburiensi.²²⁷ Et secundum Tancretum: Vir ille separandus est quantum de se est, unde reddere potest debitum exactus set numquam petere.²²⁸ Legittima uxor quia^z non peccavit nec^a facti fuit conscia,^b debito suo non privetur. Fornicaria vero que sponte se subiecit, digna affligatur penitentia et in eternum coniugio privetur. Eadem est regula de fornicantibus cum matre et filia, cum patre et filio, quia ignorantibus coniugia non negantur, scientibus perpetuo prohibentur.²²⁹

^g vel C ^h commiserunt C ⁱ avita C ^k patrini C ^l cum filia: om. C ^m sive C ⁿ vel cum C ^o in add. C ^p festis C ^q vi O ^r carne C ^s carne C ^t Tiburiensi O ^u set C ^x voluerit C ^y conceptum C ^z que C ^a non C ^b fuit conscia: sui concia C

²²⁴ Barth., c. 66, p. 233.

²²⁵ Barth., c. 66, p. 231.

²²⁶ Grat., C. 34 q. 1-2 c. 8; Barth., c. 66, p. 233; Burch., 19. 5 (PL 140.966).

²²⁷ Cf. Grat., C. 32 q. 7 cc. 21 et 24.

²²⁸ Cf. Tancredus Bononiensis, Apparatus: Compilatio prima antiqua, MS. Vat. lat. 1377, 4. 13. 1, p. 142b.

²²⁹ Cf. *Die 'Summa decretorum' des Magister Rufinus*, ed. Heinrich Singer (Paderborn, 1902), C. 32 q. 7, pp. 494-6.

Et nota^c quod quedam peccata impediunt matrimonium^d contrahendum set non dirimunt contractum, ut in hiis qui committunt incestum, xxxii Causa, q. vii,^e Si quis viduam.²³⁰ Et in eo qui uxorem interficit, xxxiii Causa, q. ii, Admonere.²³¹ Et qui sponsam alterius rapit, xxvii Causa, q. ii,^f Statutum.²³² Et qui interficit presbiterum, *Extra.*, De purgatione vulgari, capitulo ultimo.^{g233} Prohibetur etiam sollempniter penitens secundum quosdam, xxxiii Causa, q. ii, De hiis autem.²³⁴

Item qui aliquam maculavit^h per adulterium vivente marito prohibeturⁱ cum ea inire coniugium illo mortuo maxime in tribus casibus: Primus est si mechus machinatus est in mortem viri cum effectu. Secundus est^k si fidem dedit^l de adultera ducenda vivente marito. Tercius, si de facto duxit, ut^m *Extra.* titulo tali.²³⁵ In aliis vero casibus supra,ⁿ (f. 404va) si sint adolescentes et timetur de eorum incontinen- cia, datur licentia nubendi, xxxiii Causa, q. ii, Antiqui.²³⁶

Item^o ex Concilio Triburiensi:^p Si qua mulier inprudica corpus filie^q vel neptis vel alicuius Christiane vendiderit^r vel intermedia vel consilia- trix fuerit ut stuprum perpetretur, duobus annis per legitimas ferias peniteat. In Concilio tamen Elebertano precipitur ut qui tale quid per- petraverit non nisi in fine communionem accipiat.²³⁷

Item ex eodem Concilio: Si quis fecerit fornicationem cum commatre sua, xl dies peniteat in pane et aqua cum vii sequentibus annis.²³⁸ Item, si quis fecerit fornicationem cum sponsa filii antequam duxisset eam filius et ipse postea celans crimen permisit contrahere cum ea, xl diebus^s peniteat in pane et aqua cum vii sequentibus annis, et sine spe coniugii maneat.²³⁹

Item ex eodem: Si quis quod terribilius est et fornicatus fuerit cum matre sua, xv annis peniteat per legitimas ferias et per unum annum ex

^c notandum C ^d om. C ^e iii C ^f Admonere ... q. ii: om. C ^g ultro O ^h violaverit C ⁱ prohibe O ^k om. C ^l dederit C ^m om. C ⁿ om. C ^o om. C ^p Turburensi C ^q sue add. C ^r vendidit O ^s dies C

²³⁰ Grat., C. 32 q. 7 c. 20; *Tancredi Summa de matrimonio*, ed. Agathon Wunderlich (Göttingen, 1841) c. 23, p. 42; Raym., 4.9.1, p. 544.

²³¹ Grat., C. 33 q. 2 c. 8; Tanc., *ibid.*; Raym., *ibid.*

²³² Grat., C. 27 q. 2 c. 34; Tanc., *ibid.*; Raym., *ibid.*

²³³ 1. *Comp.*, 5.30.2 = X., 5.34.1; Tanc., *ibid.*; cf. Raym., *ibid.*

²³⁴ Grat., C. 33 q. 2 c. 12; Tanc., *ibid.*; cf. Raym., *ibid.*

²³⁵ X., 4.7.1; Tanc., *ibid.*, pp. 42-3; Raym., 4.9.2, p. 545.

²³⁶ Grat., C. 33 q. 2 c. 19; Tanc., *ibid.*, p. 42; Raym., 4.9.1, p. 544.

²³⁷ Burch., 19.5 (PL 140.975).

²³⁸ Burch., 19.5 (PL 140.966).

²³⁹ Burch., 19.5 (PL 140.966).

hiis in pane et aqua, at absque spe coniugii permaneat. Mater autem si forte ignoraverit iuxta arbitrium discreti sacerdotis peniteat.²⁴⁰ Item legitur de sancto philosofo quod cum matrem suam tanquam ignotus usque ad consensum copule carnalis provocasset, propter tantum scelus perpetuum silentium sibi imposuit.²⁴¹

Item si aliquis fornicatus fuerit cum sorore sua, x annis penitentie subiaceat et unum ex hiis in pane et aqua^t perficiat. Et si forte illa ignoraverit et continere noluerit, nubat in Domino.²⁴² Item qui uxorem fratris sui scienter cognoverit eandem agat penitentiam.²⁴³ Ista trahuntur ex supradicto Concilio.

Item^u mulier que de adulterio suscipit filium vel supponit partum debet laborare quibus potest modis ut legitimi heredes non defraudentur.^x Et licet sibi non videatur talis posse salvari non est tamen ei deneganda penitentia, ut dicit Innocentius Tercius,^{y244} set procedet hoc modo: Revelet factum suum^z alicui discreto, et postea cum ipso vel sine ipso si potest revelet episcopo in secreto, et sacerdos discretus vel episcopus inquirent si spurius^a vel suppositus sit homo timens Deum et spiritualis. Tunc vocato^b illo et prestito sacramento quod secretum tenebit, et mulier quod calumpniöse non accedit,^c poterit tale revelare et consulere ut in(f. 404vb)grediatur in^d religionem vel transeat ad longinquam regionem ut sic^e nichil ultra percipiat de bonis illius quem putabat patrem suum. Ea autem que consumpsit de se si potest^f restituat vel componat, vel petat remissionem a viro mulieris si vivit, sin autem, ab heredibus legitimis — non tamen per se, set per aliquem fidelem interpositum. Si vero non potest vel si potest, si^g non^h plene potest induci ad hoc, non est precise cogendus, Argumentum, Dist. L, Qui dicit.²⁴⁵ Si vero non potest revelari spurio vel supposito sine periculo, vel eciamⁱ facto sibi revelato non adquiescit secundum formam predictam, tunc iniungatur mulieri quod de sponsalicio suo et aliis rebus quas habet vel in futurum^k habitura est satisfaciat iuxta

^t et absque spe ... aqua *om. C* ^u *om. C* ^x fraudulentur *C* ^y dicit ... Tercius: dicitur in Innoc. tercio *C* ^z *om. C* ^a superius *C* ^b invocato *C* ^c non accedit: istud non dixerit *C* ^d *om. C* ^e ergo *C* ^f de se si potest: dum se credendo *O* ^g *om. C* ^h *om. O* ⁱ et add. *C* ^k futuro *C*

²⁴⁰ Burch., 19.5 (PL 140.966).

²⁴¹ Non inveni.

²⁴² Burch., 19.5 (PL 140.967).

²⁴³ Burch., 19.5 (PL 140.966).

²⁴⁴ X., 5.38.9; Raym., 2.5.10, p.176.

²⁴⁵ Raym., *ibid.*, p.177a.

posse suum, semper dolens de peccato. Et^l quia non potest plene satisfacere promittat firmiter in animo et proponat quod quantum possit satisfaciatur. Hoc tamen fiat per medicum^m spirituales vel personam religiosam secreto et caute hiis verbis: Quedam persona tenetur vobis in debito hoc et petit ut accipiatis, et de diu detentoⁿ non moleste feratis, Argumentum, xxii Causa, q. v. Hoc videtur,²⁴⁶ et *Extra*. De penitentiis,^o capitulo Officiis.²⁴⁷

Et notandum quod ita debet semper penitere adultera, ne marito sit suspecta ut alibi dicit canon.²⁴⁸ Similiter intellige de aliis personis in arto positis sive custodia maiorum.^p Talibus debent iniungi private orationes et private abstinentie ut, si plura habeant fercula, sint uno contenti, vel si unum tantum, pro parte abstineant. Procurent pauperibus bona que possunt. Utantur vestibibus paucioribus^q et nudis calciamentis in frigore. Accipiant disciplinas privatas. Flectant quandoque genua nuda ad terram. Supleant in lacrimis et contritione animi quod deest in opere exteriori.

Item^r de lapsu ordinatorum: Presbiter fornicator x annis peniteat, Dist. lxxxii, Presbiter.²⁴⁹ Tamen quidam hoc intelligunt de incestu vel adulterio. Item, presbiter qui cognovit filiam spirituales quam baptizavit, vel in confirmatione tenuit, vel de fonte levavit, vel confessa fuerit ei, xii annis peniteat, et debet deponi si crimen est^s manifestum. Si autem episcopus tale quid fecerit, xv annis peniteat, et ipsa mulier omnia relinquat, conversa ad monasterium, xxx Causa, q. i, Si quis sacerdos.²⁵⁰ (f. 405a) Item qui cognovit monialem, x annis peniteat, et ipsa similiter, xx^t Causa, q. i, De filia.²⁵¹

Item presbiter fornicator secundum *Canones Apostolorum* debet deponi. Tamen iuxta auctoritatem beati Silvestri pape: Si sponte resurgit, x annis peniteat hoc modo: tribus siquidem mensibus a ceteris remotus in pane et aqua a vespera^u in vesperam. Diebus autem dominicis et precipuis festis modico vino et pisciculis vel leguminibus recreetur^y sine carne et sanguine,^y ovis et caseo.^z Sacco indutus humi adhereat, et die

^l vel C ^m medium C ⁿ intento C ^o penitencia C ^p qui non sunt sui iuris *add.*
C ^q paucicimis C ^r De lapsu ordinatorum. xlii C ^s sit C ^t xxx C ^u vespere
O ^x refectus C ^y sanguine *rectius* ^z et caseo: *om.* C

²⁴⁶ Grat., C. 22 c. 5 c. 8; Raym., *ibid.*, 177b.

²⁴⁷ X., 5. 38. 9; Raym., *ibid.*

²⁴⁸ Cf. 'Statutes of Canterbury 1', c. 40, *Councils and Synods* (supra n. 41), p. 32; Chobham, p. 363.

²⁴⁹ Grat., D. 82 c. 5; Raym., 3. 34. 42, p. 474.

²⁵⁰ Grat., C. 30 q. 1 cc. 9-10; Raym., *ibid.*; cf. Barth., cc. 67-8, pp. 234-235.

²⁵¹ Grat., C. 27 q. 1 c. 26; Raym., *ibid.*

ac nocte misericordiam^a imploret. Finitis continuis tribus^b mensibus exeat, set in publicum non procedat ne grex fidelis in eo scandalum patiatur; neque enim debet sacerdos publice penitere sicut laicus. Postea aliquantis per resumptis viribus^c unum annum et dimidium^d in pane et aqua expleat exceptis dominicis diebus et precipuis festis in quibus vino et sanguine^e et^f ovis et caseo iuxta canonicam censuram uti poterit. Finito primo anno et dimidio corporis et sanguinis Domini ne indurescat particeps fiat, et ad pacem veniat. Psalmos cum fratribus in choro cantet. Ultimus ad cornu altaris accedat; et iuxta beati Clementis vocem, minora gerat officia. Deinde usque ad completionem septimi anni omni tempore exceptis paschalibus diebus tres legitimas ferias in unaquaque ebdomada in pane et aqua ieiunet. Expleto septimi anni curriculo,^g si fratres apud quos penituerit condignam eius laudaverint penitentiam, episcopus in pristinum honorem iuxta beati Calixti pape auctoritatem poterit revocare.^h Sane sciendum est quod secundam feriamⁱ unum psalterium canendo aut unum denarium dando pauperibus si opus est redimere possit. Finitis autem vii annis, deinde usque ad finem decimi anni^k sextam feriam observet^l in pane et aqua sine redemptione. Eadem quippe penitentia^m erit sacerdoti in omnibus aliis criminalibus peccatis que eum in depositionem adducunt.²⁵²

Item Distinctione xxxii: Nullus audiat missam presbiteriⁿ quem indubitanter scit^o habere concubinam.²⁵³ Contrarium tamen videtur xv Causa, q. ultima, ubi dicitur quod non potest quis^p quantumcumque pollutus sit divina sacramenta polluere.²⁵⁴ Set hoc^q ibi solvitur in^r littera, quod non est vitandus donec episcoporum iudicio fuerit (f. 405b) sequestratus. Alii vero ita exponunt: Quem scit^s indubitanter habere, et cetera,^t id est per publicam sententiam.²⁵⁵

Item ex Septima Sinodo Aurelianensi:^u Si quis clericus adulterasse convictus aut^x confessus fuerit, depositus ab officio, communione concessa, in monasterium toto tempore vite sue detrudatur.²⁵⁶ Hanc tamen

^a veniam C ^b om. C ^c iuribus C ^d om. C ^e sangimine rectius ^f om. C ^g septimi anni curriculo: vii annorum circulo C ^h Redemptio penitencie. xliii add. C ⁱ secundam feriam: ii feria C ^k decimi anni: x annorum C ^l servet C ^m quippe penitentia: om. C ⁿ sacerdotis C ^o sit C ^p aliquis C ^q hec C ^r om. C ^s sit C ^t et cetera: concubinam C ^u Aureliensi C ^x vel C

²⁵² Grat., D.82 c.5; Barth., c.71, pp.237-8.

²⁵³ Grat., D.32 c.5; Raym., 3.30.7, p.357.

²⁵⁴ Grat., C.15 q.8 c.5; Raym., ibid.

²⁵⁵ Cf. Raym., 3.30.7-9, pp.357-61; Chobham, pp.378-9, nn.15-6.

²⁵⁶ Grat., D.81 c.10; Barth., c.61, pp.226-7.

distractionem^y non observat ecclesia quia sicut ait Pelagius Papa: Varii defectus nostri temporis quibus non solum merita set et ipsa^z hominum corpora defecerunt tante distractionis^a non patiuntur manere censuram.^{b257}

De sodomitis, xxvii.

Sequitur de quarta specie luxurie et pessima, prout dicitur in^d *Genesi* xix, Sodomite erant homines pessimi et peccatores coram Domino nimis.²⁵⁸ Ad hoc viciū pertinet libido omnis que scienter et voluntarie aliquo modo fit ab homine preter naturalem usum femine. Unde acius redarguit Apostolus hoc viciū *ad Romanos*, 1: Relicto naturali usu femine exarserunt in^e invicem, et cetera.²⁵⁹ De hoc peccato dicit Augustinus quod per illud violatur societas que nobis est cum Deo, cum natura cuius ipse auctor est hac perversa libidine polluitur.^{f260} Et est illud viciū maius et execrabilius quam cognoscere matrem propriam; patet xxxii Causa, q. vii, Flagicia,^{g261} unde versus:

Non est peccatum maculare cubilia matrum
Respectu veneris alterius generis.

Item ex *Penitenciaro Romano*: Episcopus contra naturam^h fornicationem faciens degradetur et xii annis peniteat. Presbiter aut diaconus aut monachus, si in hoc viciūⁱ fuerint lapsi, degradentur, et vii annis peniteant, et veniam omni hora rogent.²⁶² Alii vero tradunt quod si quis in^k consuetudine hoc habuerit, xii annis per legitimas ferias^l peniteat. Si cum fratre carnali, xv.²⁶³

Item ex dictis^m Basilii: Clericus vel monachus parvulorum insecutor vel qui oculo vel aliqua turpi occasione puerum sollicitaverit, publice verbereturⁿ et coronam amittat. Et postmodum custodie vii mensibus

^y distinctionem C ^z et ipsa: etiam ipsorum C ^a distractionem C ^b manere censuram: om. C ^c De ... xxvii: De vicio luxurie contra naturam. xliiii C ^d om. C ^e om. O ^f polluitur C ^g Flagia C ^h om. C ⁱ vicio O ^k ex C ^l om. C ^m sancti add. C ⁿ om. C

²⁵⁷ Cf. Chobham, p. 325.

²⁵⁸ Cf. Gen. 18:20-19:29.

²⁵⁹ Rom. 1:27.

²⁶⁰ Grat., C. 32 q. 7 c. 13; Raym., 3. 34. 42, pp. 474-5.

²⁶¹ Grat., C. 32 q. 7 cc. 11 et 13; Raym., ibid.

²⁶² Barth., c. 69, p. 236.

²⁶³ Burch., 19.5 (PL 140.967-8).

deputetur, et triduo per ebdomadas singulas pane ordeacio ad vesperam reficiatur. Post hec aliis vii mensibus sub custodia viri religiosi operibus manuum et orationibus sit intentus, vigiliis et fletibus, et deinceps in privato^o (f. 405va) iuvenibus non iungatur.²⁶⁴ Et nota quod huic penitentie adiungenda^p est illa septennis^a supra in ieiuniis per legitimas ferias et orationibus et disciplinis.²⁶⁵

Item^r qui se mutuo manibus polluunt, xxx dies in pane et aqua peniteant.^s Si quis hoc solus fecerit, xv dies cum Psalmis et disciplinis. Si cum ligno,^t lapide vel alia^u re hoc fecerit, xx dies in pane et aqua ieiunet.^{x266}

Item si turpe osculum dederit, tribus diebus in pane et aqua peniteat.²⁶⁷

Item ex Concilio Anchiritano^y de illis qui^z cum pecoribus se inquinant.^a Quotquot ante^b xx annos etatis tale crimen commiserint,^c xv annis exactis in penitentia communionem habeant orationum. Deinde quinquennio in illa communione perdurantes, sacramentum altaris percipiant, id est xx anno. Quotquot autem post xx annos uxores habentes in hoc peccatum^d prolapsi sunt, xxv annis penitentiam agentes ad orationis communionem recipiantur. Quod si uxores habentes et quinquagesimum etatis annum transcendentis sic deliquerint, ad extremum vite sue communionis gratiam consequantur.^{e268}

Item ex decreto Martini pape: Si quis cuiuslibet animalis^f peccaverit commixtione, v annis in humilitate iaceat ad ianuam^g ecclesie, et post hos ad communionem receptus orationis, v aliis annis penitentiam agat regularem et sic sacramentum altaris percipiat. Si quis autem post xxx annos habens uxorem in hoc viciu lapsus fuerit, xxv annis peniteat.²⁶⁹ Alii vero^h alio modo taxant penitencias ut si quis fornicationem fecerit contra naturam cum masculis vel animalibus, si non habens uxorem, xl dies in pane et aqua cum vii annis sequentibus peniteat, et numquam sit

^o privata O ^p iniungenda C ^a penitencia add. C ^r om. C ^s Item add. C ^t vel add. C
^u aliqua C ^x peniteat C ^y Archiritano C ^z illis qui: inquinatis C ^a se inquinant: om. C
^b annis C ^c commiserit C ^d peccato C ^e consequatur C O ^f cuiuslibet animalis: cuilibet animali C ^g ianua C ^h autem C

²⁶⁴ Barth., c. 69, p. 236.

²⁶⁵ Supra, nn. 60-1, etc.

²⁶⁶ Burch., 19.5 (PL 140.968).

²⁶⁷ Burch., 19.5 (PL 140.968).

²⁶⁸ Barth., c. 69, pp. 235-6.

²⁶⁹ Barth., c. 69, p. 236.

sine penitentia. Si uxorem habuerit, x annis per legitimas ferias peniteat et semper sit in aliqua penitentia.ⁱ²⁷⁰

Minor tamen^k penitentia servis quam liberis imponitur in istis et in aliis,²⁷¹ quia in *Deutronomio* xxii, libera mulier fornicans lapidabatur,²⁷² ancilla vero vapulabat et^l *Levitico* xix,²⁷³ quia conditiones et status personarum aggravant pondera animarum, id est peccata. In primis aggravat ordo sanctus,^m unde Levite peccantes — Nadabⁿ scilicet et Abiu — morte corporali sunt percussi, *Levitico* x²⁷⁴ et Chore Levita vivus absortus est a terra, *Numeri* xvi.²⁷⁵ Ofni et Phinees morte percussi, i^o *Regum*, v capitulo.^{p276} Item alia (f. 405vb) circumstantia est scientia, *Luc.* xii: servus sciens voluntatem domini sui vapulabit multis.^{q277} Item alia est generis nobilitas, unde^r supra: gravius peccat nobilis quam ignobilis, quia quis dubitat sceleratius esse commissum quod gravius est vindictatum, xxiiii Causa, q. i, Non^s auferamus.²⁷⁸ Item alia est status dignitas; patet de Lucifero et de homine primo quam graviter peccaverit.^t Item gravius peccat dives quam pauper paribus aliis circumstantiis; patet in parabola missa ad David de una ove pauperis, ii *Regum* xi capitulo.^{u279} Item alia est locus sacer, *Ezechiele* xliiii: Polluistis sanctuarium meum.²⁸⁰ Hoc clericis et malis sacerdotibus improperatur.^x Alia est tempus ut in festis^y et feriis prohibitis, *Trenis* i:^z Vocavit adversum me tempus.^{a281} Alia circumstantia^b est levis vel gravis, ut cum peccat^c ex impotentia sive infirmitate, et hoc habet veniam annexam ut negatio Petri facta metu mortis.²⁸² Alia est ex ignorantia, et habet veniam annexam^d ut persecutio Pauli.^{e283} Alia est ex certa^f malicia et

ⁱ De penitencia servorum. xlv add. C ^k om. C ^l ancilla ... et: om. C ^m aggravat ordo sanctus: aggravant ordines sancti C ⁿ Nabin C ^o sunt C ^p om. C ^q vapulabit multis: etc. C ^r ut C ^s om. C ^t peccavit C ^u om. C ^x improperatur O: Item add. C ^y festis C ^z Trenis i: Trenii C ^a Item add. C ^b causa C ^c quis add. C ^d ut negatio ... annexam: om. C ^e Item add. C ^f ex certa: crebra C

²⁷⁰ Burch., 19.5 (PL 140.968).

²⁷¹ Cf. Burch., 19.5 (PL 140.968).

²⁷² Deut. 22:23-4.

²⁷³ Lev. 19:20.

²⁷⁴ Lev. 10:1-2.

²⁷⁵ Num. 16:1-35.

²⁷⁶ 1 Reg. 4:4-11.

²⁷⁷ Lc. 12:47.

²⁷⁸ Supra n.91.

²⁷⁹ 2 Reg. 12:1-6.

²⁸⁰ Ez. 44:6-9.

²⁸¹ Lament. 1:15.

²⁸² Cf. Mt. 26:69-75, etc.

²⁸³ Cf. Act. 9:1-22.

est gravissimus modus peccandi, ut cum Judas tradidit^g innocentem,²⁸⁴ et^h Iudei crucifixerunt.²⁸⁵ Item alia est modica lucta contra peccatum. Aliaⁱ maior^k libido in peccando. Alia sexus, unde plus peccat vir quam mulier in eodem genere peccati pro discretione et auctoritate regiminis. Item ultima est etas. Plus enim^l peccat senex quam iuuenis in eodem genere peccati. Ideo dicitur sacerdoti, *Daniel.*, in fine: Inveterate dierum malorum, et cetera.²⁸⁶ Vel^m Seneca: Iuuenis luxuriando peccat, senex luxuriando insanit.ⁿ²⁸⁷

Item si qua^o mulier alicui iumento subcumbit^p et illud quacumque ad coitum provocet, xl diebus^q in pane et aqua peniteat cum vii sequentibus annis, et numquam sit sine penitentia,²⁸⁸ cum^r secundum legem Dei iussa sit lapidari sicut et^s Sodomita, *Levitico*^t xx. Pecus eciam interficiendum est ad terrorem hominis sive^u vir sive mulier cum eo peccavit.²⁸⁹ Item in tale peccatum lapsus semper a tali carne abstineat qualem sedando peccavit,^x vel si cum pluribus peccavit,^{xx} a delectabilioribus carnibus abstineat.²⁹⁰

Item mulieres que se confricando mutuo^y polluunt, vii annis per legitimas ferias peniteant.²⁹¹ Item si qua mulier fecerit virile ut a se vel ab alia per illud polluat, vii annis (f. 406a) per legitimas ferias peniteat.²⁹² Tamen deprehensa, publice fustigetur.^z Et hec deberet^a esse communiter fornicantium pena, *Ecclesiastico* xxiii:^b Quasi pullus equinus in plateis civitatis fugabitur.^{c293} Item mulieres que^d infantes suos^e corrumpunt, gravius ceteris puniantur.^{f294}

Item^g Augustinus, libro *De nuptiis et concupiscentia*: De illis que venena

^g tradit C ^h quem C ⁱ Item alia est C ^k minor C ^l om. C ^m cetera. Vel: om. C ⁿ insanat. De mulieribus. xlvii C ^o om. C ^p succubuit C ^q dies C ^r et C ^s om. C ^t Levitici C ^u sit add. C ^x sedando peccavit: peccando fedavit C ^{xx} peccaverit C ^y se confricando mutuo: confricando se C ^z fustigatur O ^a debet C ^b De fornicacione dicitur add. C ^c fugaberis C ^d qui O ^e primo O ^f puniuntur C ^g De illis qui venena sterilitatis procurant. xlvii C

²⁸⁴ Cf. Mt. 26:47-50, etc.

²⁸⁵ Cf. Mt. 27:11-23, etc.

²⁸⁶ Dan. 13: 52.

²⁸⁷ Seneca Rhetor, *Controversiae* 2.6.4; cf. Vincentius de Beauvais, *Speculum doctrinale* (Douai, 1624), p. 392.

²⁸⁸ Burch., 19.5, (PL 140.972).

²⁸⁹ Lev. 20:15-6; cf. Grat., C.15 q.1 c.4.

²⁹⁰ Cf. 'Statutes of Coventry', 'Tract. de pen.', *Councils and Synods* (supra n.41), p.222.

²⁹¹ Burch., 19.5 (PL 140.972).

²⁹² Burch., 19.5 (PL 140.971-2).

²⁹³ Eccus. 23:30.

²⁹⁴ Cf. Burch., 19.5 (PL 140.972).

sterilitatis procurant vel^h conceptosⁱ fetus intra viscera extinguunt:^{k295} Iste aliquo modo participes homicidie sunt, et imponatur eis penitentia supra de hiis qui proprios filios occidunt.²⁹⁶ Tamen secundum Augustinum: Informe puerperium, id est^l nondum formatum, non pertinet ad homicidium.²⁹⁷ Item Augustinus de eisdem: Si ambo non sunt tales, scilicet maritus et uxor, audeo dicere, aut illa quodammodo meretrix est viri, aut ille uxoris^m adulter.²⁹⁸

De hiis qui apostatant, xxviii.ⁿ

Item ex Concilio Elebertano:^o De hiis qui apostatant et sero ad ecclesiam redeunt quocumque modo coacti, placuit non esse dandam^p eis communionem^q nisi rectam fidem revelaverint et parati sint ad dignos fructus penitentiae.^{r299} Item ex Concilio Anchiritano: Si qui secundo et tercio ydolis coacti sacrificaverint, iiii annis penitentiae^s subiciantur. Duobus autem^t aliis annis^u in oblatione communicent. Septimo anno perfecte recipiantur.³⁰⁰ Item ex Concilio Aurelianensi: Si qui victi dolore aut pondere persecutionis negare vel sacrificare compulsi fuerint, duobus annis inter catecuminos, triennio inter penitentes habeantur et a communione sponte suspensi.³⁰¹ De hiis autem^x qui negaverunt^y preter necessitatem et periculum, gravius sumendum est iudicium. Item si quis hereticorum hodie peniteat et ad ecclesiam veniat, perpetuo carcere recludatur, *Extra*, Tit. De hereticis.³⁰² Hereticus autem non^z conversus punitur excommunicatione, depositione,^a rerum ablatione, militari persecutione. Et omnis hereticus, sive occultus sive manifestus, ipso iure est excommunicatus maiori excommunicatione, xxiiii Causa, q. i et ii,³⁰³ et *Extra*. eodem titulo.³⁰⁴

^h quod C ⁱ conceptum C ^k extinguant C ^l et C ^m est add. C ⁿ De ... xxviii: De apostatis xlviii C ^o Elebertino C ^p placuit ... dandam: non est danda C ^q communio C ^r dignos fructus penitencie: veram penitenciam C ^s penitenciam C ^t om. C ^u om. C ^x om. C ^y negaverint C ^z om. O ^a om. C

²⁹⁵ Grat., C. 32 q. 2 c. 7.

²⁹⁶ Cf. supra, n. 93, etc.

²⁹⁷ Grat., C. 32 q. 2 c. 8.

²⁹⁸ Grat., C. 32 q. 2 c. 7.

²⁹⁹ Barth., c. 129, p. 287.

³⁰⁰ Barth., c. 129, p. 288.

³⁰¹ Barth., ibid.; Concilium Nicaenum I, c. 11, *Conciliorum oecumenicorum decreta*, 3rd ed., ed. Joseph Alberigo et al. (Bologna, 1973), p. 11.

³⁰² X., 5. 7. 15; Raym., 1. 5. 2, p. 39.

³⁰³ Grat., C. 24 q. 1 c. 32; Raym., ibid.

³⁰⁴ X., 5. 7. 9; Raym., ibid.

De redemptione penitentiarum, xxix.^b

Sequitur de redemptione penitentiarum. Ex^c *Penitentiali Romano*:^d Pro uno die quem debet quis ieiunare in pane et aqua, psalterium genibus flexis^e in ecclesia si fieri potest decantet. Sin autem, in^f loco convenienti psalmos iniunctos decantet et unum (f. 406b) pauperem pascat.³⁰⁵ Item ex Concilio Gangrensi: Qui habet psalterium cantandum, det unum denarium pauperibus si opus est redimere.³⁰⁶ Item ex *Penitenciaro Romano*:^g Qui psalmos non novit diem^h in quo pane et aqua penitere deberet,ⁱ si dives est, tribus denariis redimat, si pauper, uno tantum.³⁰⁷ Item qui ieiunare non potest et non habet unde redimat et psalmos novit, uno die quem in pane et aqua ieiunare debet, tribus vicibus 'Beati immaculati' usque ad 'Dominum cum tribularer' decantet. Septem vicibus 'Miserere mei Deus', et septuagies^k prosternat se in terram, et per singulas genuflexiones dicat 'Pater noster'.³⁰⁸

De redemptione votorum, xxx.^l

Item Alexander papa^m de redemptione votorum aut peregrinationis aut elemosinarum, quod hec dependent ab arbitrio episcopi et qualitate personeⁿ et causa.³⁰⁹

Item votum abstinence redimi potest, quia potest commutari in melius, *Extra.*, titulo tali.³¹⁰

Votum autem^o perigrinationis redimi potest, nisi fuerit factum ad subsidium terre sancte, tunc specialiter relinquitur arbitrio domini pape vel eius legati ut elemosinis et orationibus et ieiuniis commutari possit,^p *Extra.*, titulo tali.³¹¹

Item votum continentie commutari non potest quia eius melius inveniri non potest,^q *Extra.*, De statu monachorum,³¹² et xxxii Causa, q. 1,

^b penitentiarum, xxix: penitencie, xlix C ^c et C ^d Romana C ^e fixis O ^f et C ^g Romana C ^h dies C ⁱ debet C ^k septuagies C ^l l C ^m Item Alexander papa: om. C ⁿ episcopi C ^o etiam C ^p potest C ^q quia ... non potest: om. C

³⁰⁵ Barth., c.135, pp.297-8; Burch., 19.12 (PL 140.981).

³⁰⁶ Grat., D.82 c.5.

³⁰⁷ Barth., c.135, p.298; Burch., 19.15 (PL 140.982).

³⁰⁸ Barth., c.135, p.300; Burch., 19.24 (PL 140.983-4).

³⁰⁹ X., 3.34.1; cf. Raym., 1.8.3, p.57b.

³¹⁰ Cf. X., 3.34.4; Raym., 1.8.4, p.58a.

³¹¹ X., 3.34.7; Raym., ibid., 57b-8a.

³¹² X., 3.35.6, in fine; Raym., 1.8.3, pp.56-7.

Nuptie.³¹³ Et licet dicant iura quod si post votum privatum quis contraxerit, stabit matrimonium licet peccet^r mortaliter, *Extra.*, Qui clerici vel voventes, et cetera,³¹⁴ contra ius divinum manifeste peccat hec sententia,^s cum melius bonum^t continentia non possit invenire,^u *Ecclesiastico* xxvi: Omnis ponderatio non est digna continentis anime.³¹⁵ Et beatus Augustinus: Eque obligat apud Deum^x privatum votum et sollempne, ergo eque dissolvit matrimonium apud Deum.³¹⁶ Item pari ratione qua peccat vovens in primo consensu, peccat in omni instanti sequentis^y temporis, quia tempus^z non minuit peccatum set auget.³¹⁷ Unde graviter^a peccant iurisperiti immo magis iurisperditi^b tantum periculum animarum inducentes. Item si quis habet votum peregrinationis eciam crucesignatus et religionem intraverit, fracti voti non est reus, quia temporale obsequium in perpetuam religionis observantiam commutavit, ut dicit Alexander Tercius, *Extra.*, t. tali. Nec dicitur (f. 406va) votum fregisse qui in melius commutavit.³¹⁸ Item venientes^c ad religionem et vota habentes^d possunt a prelati absolvere nisi episcopus auctoritatem sibi reservaverit, cuius dispensationem utile erit querere, xxxiii Causa, q. v, Noluit.³¹⁹ Item vota religiosorum post professionem^e sine auctoritate prelati nulla sunt, sicut nec votum filii sine patre, nec pupilli sine tutore.³²⁰

Item duobus modis potest votum irritari: Primo, defectu^f conditionis si fuerit votum conditionale, quale fuit votum Jacob, *Genesi* xxviii:³²¹ Si fuerit Dominus mecum, et cetera, quia si non extat conditio, non tenet voti promissio, ut xxii Causa, q. iii, Non semper.³²² Similiter facta traditione sub conditione, si defecerit conditio, non transfertur possessio, ut *Extra.*, De restitutione spoliatorum.³²³

Secundo modo irritatur votum potestate superioris, ut monachi sine

^r peccat C ^s sciencia C ^t bona C ^u inveniri C ^x apud Deum: om. C ^y sequenti C ^z peccatum O ^a gravius C ^b iurisperiti C ^c veniens C ^d habens C ^e suam add. C ^f per defectum C

³¹³ Grat., C. 32 q. 1 c. 12; Raym., ibid.

³¹⁴ X., 4. 6. 3-6; Raym., ibid.

³¹⁵ Eccus. 26:20; cf. Raym., ibid., n. 'o'.

³¹⁶ 'Coelestinus': X.; 4. 6. 6; Raym., 1. 8. 2, p. 56a.

³¹⁷ Supra, n. 120.

³¹⁸ X., 3. 34. 4; Raym., 1. 8. 3, 58a.

³¹⁹ Grat., C. 33 q. 5 c. 16; Raym., 1. 8. 15, p. 75.

³²⁰ Cf. infra, nn. 324-6.

³²¹ Gen. 28:20-2.

³²² Grat., C. 22 q. 4 c. 12; cf. Raym., 1. 8. 5, p. 59.

³²³ X., 2. 13. 12; Raym., ibid.

licentia abbatis, xx Causa, q. iiii, monachus.³²⁴ Item votum servi sine licentia domini, *Digest.*, De pollicitationibus.³²⁵ Item votum filii absque patre, votum^g pupilli absque^h tutore, xx Causa, quest. ii.³²⁶

Item votum sine deliberatione factum non obligat, *Extra.*, titulo tali^k Litteraturam,³²⁶ et xxxiii Causa, quest. v, Noluit.³²⁷ Et creditur votum obligare quod si quereretur ab eo^l an teneretur firmiter, dictaret^m ei conscientia se esse obligatum.

Item pater moriens non potest iniungere filio votum peregrinandi.ⁿ Potest tamen imponere obligationem debita^o solvendi, ut *Extra.*, De sententia excommunicationis.³²⁸

De ministris ecclesie, xxxi.^p

Sequitur de ministris ecclesie et quales illos esse oporteat. Dicitur in^q *Ysaia* lii.^r Mundamini qui fertis vasa Domini,³²⁹ et *ad Timotheum*, v,^s per totum: Vita sint honesti, sacra scriptura eruditi, in officio vel ordine legitimi, non symoniaci,³³⁰ quia si quis in ordine symoniachus est non recipit executionem, set ipso^t iure est suspensus quoad se et quoad alios, sive est^u occultum sive manifestum, ut *Extra.*, De symonia, Tanta,³³¹ et xxxii Dist., Verum.³³² Item talis punitur depositione^x et infamia, xv Causa, q. iii, Sane.^{y333} Item non potest repetere pecuniam quam dedit, non^z quia alius bene receperit^a set quia iste turpiter dedit, xiiii Causa, q. v, Non sane.³³⁴

Item qui recipit^b beneficium symoniace, tenetur renunciare et restituere omnes fructus perceptos et^c qui percipi potuissent, xiiii Causa,

^g om. C ^h sine C ⁱ et non add. C O ^k om. O ^l ab eo: om. C ^m dic caret C ⁿ peregrinationis C ^o debitam O ^p li C ^q om. C ^r lv C ^s et ad Timotheum v: Thi. ii C ^t non C ^u sit C ^x de peccato C ^y iii Sane: Insane C ^z om. C ^a recepit C ^b receperit C ^c vel C

³²⁴ Grat., C. 20 q. 4 c. 2; Raym., ibid.

³²⁵ *Digesta* 50.12.2, *Corpus iuris civilis*, ed. Theodorus Mommsen et Paulus Krueger, 1 (Berlin, 1895).

³²⁶ Grat., C. 20 q. 2 c. 1-2; X., 3.34.3; Raym., 1.8.7, p. 62a.

³²⁷ Grat., C. 33 q. 5 c. 16.

³²⁸ Raym., 1.8.16, pp. 75-6.

³²⁹ Is. 52:11.

³³⁰ Cf. 1 Tim. 3-5.

³³¹ X., 5.3.7; Raym., 1.1.9, p. 9ff.

³³² Grat., D. 32 c. 6 (*III. Pars Grat.*); Raym., ibid.

³³³ Grat., C. 15 q. 3 c. 4; Raym., ibid.

³³⁴ Grat., C. 14 q. 5 c. 15; Raym., ibid.

q. vi,^d Si res aliena.³³⁵ (f. 406vb) Et generaliter omnis possidens sine titulo tenetur ad omnia dampna et lucra percepta et percipienda, *Digestis*, De rei venditione, Si navis.³³⁶ Item pecunia vel possessio symoniace accepta^e debet restitui ecclesie in cuius iniuriam data sunt, *Extra.*, eodem titulo, De hoc autem.³³⁷ Item secundum quosdam, symoniachus in beneficio sicut et in ordine punitur pena depositionis, crimine probato.³³⁸

Item sunt quidam cum quibus non dispensatur circa ordines ut patet hiis versibus:

Sive bis ordo datur, seu baptismus repetatur,
Aut<ut> evertatur fidei status ordo petatur,^f
Vel si prestetur ut utrumque symon operetur,
Ut dispensetur spes irrita prorsus habetur.³³⁹

Patent hec^g i Causa, quest. i, Saluberimum,³⁴⁰ et q. vii, Querentibus,³⁴¹ tamen^h de plenitudine potestatis potest papa dispensare, *Extra.*, eodem tit., Nobis.³⁴²

Item regulares vel monialesⁱ symoniace recepti debent renuntiare habitum^k in manu episcopi si ipsis scientibus commissa est symonia. Et post constitutionem Innocentii, sine spe restitutionis de suo monasterio expellantur, et ad condignam^l penitentiam in^m artiori regula ponantur. Si vero ante Concilium et ipsis scientibus, remoti de suis monasteriis in aliis collocentur. Quod si commode fieri non potest, ne dampnabiliter in seculo vagentur, debent recipiⁿ in eisdem monasteriis de novo dispensative,^o mutatis prioribus locis et inferioribus assignatis, *Extra.*, eodem titulo, Quoniam symoniaco.³⁴³ Si autem ipsis ignorantibus, sive ante Concilium sive post, renuntient ut supra, et postea possunt eligi^p de novo, mutatis tamen^q locis ut supra. Ad minus resignent habitum in manu episcopi et iterum misericorditer petant.^{r344}

^d v C ^e percepta C ^f Aut ... petatur: om. C ^g om. C ^h cum O ⁱ monachi
C ^k habitui C O ^l dignam C ^m om. C ⁿ om. C ^o dispensari C ^p intelligi
C ^q tantum C ^r peniteant C

³³⁵ Grat., C.14 q.6 c.1; Raym., ibid.

³³⁶ *Digesta* (supra n.325), 6.1.62.

³³⁷ X., 5.3.11; Raym., 1.1.10, p.11.

³³⁸ Cf. supra, n.335.

³³⁹ Raym., 1.1.11, p.12.

³⁴⁰ Grat., C.1 q.7 c.21; Raym., ibid.

³⁴¹ Grat., C.1 q.7 c.4; Raym., ibid.

³⁴² X., 5.3.27; Raym., ibid.

³⁴³ X., 5.3.40; Raym., 1.1.14, p.14.

³⁴⁴ X., 5.3.26; Raym., ibid.

Item^s quia symonia trahit irregularitatem maxime in ordine si sit ex utraque parte, ideo addendum^t est de aliis casibus in quibus^u contrahitur irregularitas que promotionem^x impedit; quia irregulares et^y sunt bigami, xxxvii Dist., Acutius.³⁴⁵ Et est bigamus multiplex, ut qui castitatem promissam violat; qui contraxerit^z cum^a vidua vel corrupta; qui^b unam de facto, aliam de iure diversis temporibus habuit; qui duas simul habuit vel etiam^c duas habuit successive; qui scienter cognovit adulteram;^d qui unam habuit ante baptismum et aliam post.³⁴⁶ Item irregulares sunt etiam^e (f. 407a) viduarum mariti vel meretricis, vel cuius uxor adultera est constante matrimonio, ut xxxiii Dist., Si quis de laicis.³⁴⁷

Item privatus uno oculorum, xxxv Dist., Si evangelica.³⁴⁸ Item illiterati et corpore viciati notabiliter, xxxvi Dist., Illiteratis.³⁴⁹ Item qui sibi virilia abscidunt^f nisi causa medicine quam noverint, *Extra.*, De corpore viciatis.^{g350} Item usurarii et turpia lucra sectantes, xvii Dist., Quando multi.³⁵¹ Item qui concubinam in matrimonium assumpserit, xxxiii Dist., Maritum,^h setⁱ cum eo facilius dispensatur.³⁵² Item symoniaci ut supra.³⁵³ Item minores etate, lxxvii Dist., In singulis; et nota ibi^k singulos ordines.³⁵⁴ Item curiales maxime obligati ratiociniis, procuratores, actores, tutores pupillorum, *Extra.*, De obligatis^l ad ratiocinia.³⁵⁵ Item homicide facto vel dicto, consilio vel precepto, aut defensione, Dist. L, Si quis.³⁵⁶ Item servi, nisi libertatem assecuti ut liiii Dist.,³⁵⁷ vel nisi fuerint religiosi. Item filii sacerdotum et alii illegittimi, nisi in religione laudabiliter^m conversentur,ⁿ *Extra.*, De filiis sacer-

^s De irregularitate et bigamia, lii C ^t attendendum C ^u in quibus: om. C ^x promovet et C ^y etiam C ^z contraxhit O ^a om. C ^b quia C ^c qui C ^d alteram C ^e om. C ^f abscidunt C ^g viciato C ^h Maritus C ⁱ si C ^k in add. C ^l obligacione C ^m om. C ⁿ fuerint conversati C

³⁴⁵ Grat., D. 26 c. 2; Raym., 3. 3. 2, p. 260.

³⁴⁶ Raym., 3. 3. 6, p. 264.

³⁴⁷ Grat., D. 34 c. 8; cf. Raymund., ibid.

³⁴⁸ Grat., D. 55 c. 13; cf. Raym., 2. 1. 9, p. 155f.

³⁴⁹ Grat., D. 36 c. 1; cf. Raym., ibid.

³⁵⁰ X., 1. 20. 5; cf. Raym., ibid.

³⁵¹ Grat., D. 47 c. 2.

³⁵² Grat., D. 33 c. 2.

³⁵³ Supra, n. 33iff.

³⁵⁴ Grat., D. 77 c. 2.

³⁵⁵ X., 1. 19. 1.

³⁵⁶ Grat., D. 50 c. 8; Raym., 2. 1. 3, p. 148.

³⁵⁷ Grat., D. 54 cc. 1-3; Raym., 3. 17. 1-2, p. 290.

dotum,³⁵⁸ vel^o nisi cum eis fuerit^p dispensatum, ut *Extra.*, eodem titulo.³⁵⁹ Item Neophiti, rebaptizati, infames,^a li Dist., Qui in alio.³⁶⁰ Item assumptio ordinis^r in excommunicatione.³⁶¹ Item sortilegium.³⁶² Item si bis accepit^t eundem ordinem.³⁶³ Item si consensit mutilationi alicuius^u ut effectus sit secutus.^{x364} Item morbus caducus.³⁶⁵ Item saltus in ordine vel si^y furtum ordinis^z fecit,^a hic non ascendat^b ad superiores ordines nisi transeat ad religionem, *Extra.*, titulo tali.³⁶⁶ Item si plures simul accepit^c ordines sine dispensatione.³⁶⁷ Item furiosi, arepticii, vi Causa, quest. i.³⁶⁸ Item excommunicati et infames,^d eadem^e quest., capitulo Omnes.^{f369}

Pena sacerdotum qui excommunicati celebrant statuitur xii Causa, quest. ultima, De illis^g presbiteris, et cetera, ubi dicitur quod tribus continuis annis^h per ebdomadam omni quarta et sextaⁱ feria a vino et carne penitus ieiunent.^{k370} Et cum illis dispensat sola miseratio apostolica, nisi forsitan ignoranter aut in levem communionem cum excommunicatis inciderint.^{l371} Item pena communicantium cum excommunicatis par erit cum^m principalibus, quando aliqui excommunicantur cum omnibus fautoribus,ⁿ et communicantibus, xi Causa, quest. iii, Rogo.³⁷² Quando^o excommunicantur aliqui non adiecta conditione tali, et^p tunc minor est excommunicatio (f. 407b) in qua si quis celebrat, dispensare

^o et C ^p om. C ^a infantes C ^r assumptio ordinis: assumentes ordines C ^s sortilegi C ^t acceperit quis C ^u mutilationi alicuius: om. C, *spatio relicto* ^x sit secutus: cuius preit consecutus C ^y om. C ^z in ordine C ^a fecerit C ^b ascendit O ^c acceperit C ^d inermes C ^e c C ^f qui excommunicati celebrant. De pena sacerdotum, liii *add.* C ^g hiis C ^h diebus C ⁱ omni quarta et sexta: omnem, et tertia C ^k ieiunet C ^l inciderit O ^m om. C ⁿ suis *add.* C ^o Quandoque C ^p om. C

³⁵⁸ X., 1.17.1; Raym., 3.19.2, pp.296-7.

³⁵⁹ X., 1.17.5, 7, 9, etc.; Raym., 3.19.3, p.297.

³⁶⁰ Grat., D.51 c.5.

³⁶¹ Cf. 'Stat. of Canterbury 1', *Councils and Synods* (supra n.41), p.25.

³⁶² Cf. *ibid.*

³⁶³ Cf. supra, n.339.

³⁶⁴ Cf. supra, nn.84 ff.

³⁶⁵ Cf. Flamb., p.166.

³⁶⁶ X., 5.30.3; X., 5.29.1.

³⁶⁷ Cf. Flamb., p.171.

³⁶⁸ Grat., c.6 q.1 c.17.

³⁶⁹ Grat., C.6 q.1 c.2.

³⁷⁰ Grat., C.11 q.3 c.109.

³⁷¹ *ibid.*, c.110.

³⁷² Grat., C.11 q.3 c.25; Raym., 3.33.28, p.406.

potest episcopus vel prelatus.³⁷³ Item que sunt subtrahenda excommunicatis patet in hoc versu

Si pro delictis anathema quis efficiatur
Os,^a orare, vale, communico,^f mensa negatur,

xi Causa, quest. iii.³⁷⁴ Et^s ex Concilio Triburiensi: Si quis scienter excommunicato communicat, vel in oratione,^t vel in salutatione, vel in aliis casibus prohibitis a sanctis patribus, simili excommunicationi subiaceat et xl diebus in pane et aqua peniteat. Et si in pertinacia sua perseveraverit, septennem agat penitentiam quam discretus sacerdos inspecta illius devotione pro loco et tempore poterit temperare.³⁷⁵

Item a sententia excommunicationis excipit^u beatus Gregorius quosdam communicantes cum excommunicatis, xi Causa, quest. iii, Quoniam multos,^{x376} quia legitime communicat uxor cum viro excommunicato, servus cum domino, filius cum patre, et alii; eciam^y similiter in quibusdam casibus communicant^z excommunicatis sine periculo. Primus est iusta ignorantia non affectata vel crassa,^a set simpliciter ignorabas^b excommunicatum. Secundus, domestica necessitas, ut filius cum patre, servus cum domino, et cetera. Tercius est adventicia necessitas, ut cum peregrinus^c non potest transire nisi per castrum excommunicatum. Quartus est numerus, quia excommunicatio non transit in tertiam personam. Quintus est humanitas, quia excommunicato indigenti de iure debes^d subvenire. Sextus est correpcio in hiis que pertinent ad salutem. Omnia ista per iura probantur.³⁷⁷

De diligentia^e ministrorum ecclesie, xxxii.^f

Sequitur de diligentia^g ministrorum ecclesie ut sint attentii et compositi circa divina sacramenta, sicut docetur *Reg.* iii, capitulo iiii,^h ubi dicitur quod necessaria mense Salomonis parabantur cum ingenti cura in tempore suo.³⁷⁸ Ita necessaria altaris, panis et vinum,ⁱ vestes et vasa,

^a Nos *C* ^f coniunctio *C* ^s Item *C* ^t ordine *O* ^u excipit *C* ^x multas *C* ^y om. *C* ^z cum *add. C* ^a crassata *C* ^b ignorabat *C* ^c peregrinis *C* ^d debet *C* ^e ligentia *O*, *post ras.* ^f liiii *C* ^g ligentia *O*, *post ras.* ^h *Reg.* ... iiii: le. iiii *C* ⁱ vini *C*

³⁷³ Cf. *supra*, n. 38.

³⁷⁴ *Grat.*, C. 11 q. 3 cc. 17-8; *Raym.*, 3. 33. 28, pp. 406-7.

³⁷⁵ Cf. *Raym.*, 3. 33. 40, pp. 419-20.

³⁷⁶ *Grat.*, C. 11 q. 3 c. 103; *Raym.*, 3. 33. 29, pp. 407-8; *Barth.*, c. 128, pp. 286-7.

³⁷⁷ Cf. *Flamb.*, pp. 155-6.

³⁷⁸ 3 *Reg.* 4:27.

sine labe sint et sine macula, sicut precepit Dominus Moysi, *Numeri* xx-viii,^k Glosa:³⁷⁹ Omnia immaculata offeretis cum libaminibus suis;^l et in *Consecrationibus*, Dist. ii: Peniteat eum cuius neggligentia aliquid de Christi sanguine stillat.³⁸⁰ Unde ibidem ex decreto Pii Pape: Si per neggligentiam aliquid de sanguine stillaverit in terram,^m lingua lambatur, tabula radatur.ⁿ Si non fuerit tabula ut non conculcetur, locus radatur et igne^o consumatur et cinis intra (f. 407va) altare condatur, et sacerdos xl diebus peniteat. Si super altare stillaverit, sorbeat minister stillam et tribus diebus peniteat. Si super lintheum altaris et ad secundum stilla pervenerit, iiii^p diebus. Si usque ad tertium, ix diebus. Si usque ad quartum, xxx,^q et lintheamina que tetigerint stillam^r tribus vicibus minister abluat calice supposito, et aqua ablutionis sumatur vel^s iuxta altare recondatur.³⁸¹

Item^t ex *Penitentiali Bede presbiteri*: Si quis per ebrietatem vel voracitatem eucharistiam evomuerit,^u xl diebus peniteat. Clerici vel^x monachi seu diaconi, seu presbiteri, lxx diebus peniteant; episcopus nonaginta. Si autem infirmitatis causa evomuerit,^y vii diebus peniteat.³⁸²

Item vinum et aqua simul in calice miscenda^z sunt quia horum duorum significata^a de latere Domini pariter fluxerunt, sanguis et aqua.³⁸³ Et ita apponatur aqua ut a vino absorbeatur, et qui alterum pretermiserit secundum occupationem cordis sui tunc temporis, aut in licitis aut illicitis, penitentia panis et aque et orationum imponenda est.

Item ex Concilio Aureliano: Qui bene non custodierit sacrificium et^b mus vel aliud animal illam formam comederit, xl diebus peniteat. Qui autem perdiderit illud in ecclesia et inventum non fuerit, xxx diebus peniteat.³⁸⁴

Item si aliquem sacerdotem in canone misse mori contigerit, si nondum ad confectionem corporis et sanguinis pervenit, alius induatur^c et totum^d canonem incipiat. Si vero benedictio data sit super hostiam et

^k xxii O ^l tuis C ^m terra scilicet cum C ⁿ et add. C ^o in ignem C ^p iiii C ^q diebus add. C ^r tetigerint stillam: stilla tetigerit C ^s et C ^t De penitentiali Bede presbiteri. Si quis per ebrietatem eucharistiam evomuerit, lv C ^u evomerit C ^x et C ^y hoc fecerit C ^z in calice miscenda: incalicens C ^a signata C ^b ut C ^c induetur C ^d tantum C

³⁷⁹ Cf. Num. 28:31.

³⁸⁰ Grat., *De cons.*, D.2 c.27, in titulo.

³⁸¹ Grat., *ibid.*, c.27.

³⁸² Grat., *ibid.*, c.28.

³⁸³ Grat., *ibid.*, c.1.

³⁸⁴ Grat., *ibid.*, c.94; Barth., c.100, p.267.

nondum^e super calicem, incipiat benedictionem calicis secundum decretalem,^f et sic procedat ad finem misse. Quod si ante sumptionem sacerdos moriatur, alius celebraturus sacramentum reservet usque^g ad locum sumptionis, et tunc simul dupplici hostia communicet. Prius tamen post suum 'Confiteor' terminet missam premortui et sic deinde missam suam prosequatur. Vel si nullus est tractaturus,^h aliusⁱ qui iam cantavit quod residuum est de missa mortui suppleat.³⁸⁵

Item non tradat sacerdos diacono aut subdiacono sacrum^k deferendum infirmis quia si hoc fecerit, gradus sui periculo subiacebit, ut in eadem Distinctione, capitulo^l Pervenit.³⁸⁶

Item sufficit sacerdoti unam missam celebrare in die quia Christus semel passus est, *De consecrationibus*, Dist. i, Sufficit.³⁸⁷

Item eadem Dist.: Vestimenta sacra et vasa per vetustatem consumpta incendantur et cineres eorum in loca honesta^m proiciantur.³⁸⁸ (f. 407vb) Item ibidem, mortui non obvolvuntur vestimentis altaris.³⁸⁹

^e non C ^f decretale C ^g quousque C ^h cantaturus C ⁱ Augustinus C ^k om.
O ^l eadem ... capitulo: eodem Regno cuius C ^m loca honesta: loco honesto C ⁿ percipiantur C ^o De stillacione sanguinis Christi, lvi. Queritur si aperta negligencia de corpore an de sanguine Domini acciderit quod stilla aliqua de sanguine deciderit super corporalia vel super pannum qualemcumque. Si usque ad tabulam pervenerit stilla sive ad terram sive ad lapidem aut lignum aut aliquid aliud super altare ceciderit, quid fieri debeat secundum diversitatem casuum. Item si post consecrationem calicis musca vel aranea vel aliquod aliud inmundum forte inciderit, quid sacerdos communicaturus facere debeat. Item si quis per incuriam vel ignoranciam siceram pro vino ministraverit sacerdoti et ille sic consecraverit, quam penitentiam agere debeat qui ministraverit, quam qui consecraverit. Primarum questionum solutiones manifeste habentur in *Decretis* ubi agitur de consecratione, distinctione ii, cap. tali. Si per negligenciam aliquid de sanguine stillaverit super terram, scilicet, lingua lambetur, terra radetur. Si non fuerit tabula ut non conculcetur, locus radetur et igne consumetur et cinis intra altare collocetur, et sacerdos xl diebus peniteat. Si supra altare stillaverit calix, sorbeat stillam. Si super lintheum altaris et ad alium stilla pervenerit, iiii diebus peniteat et lintheamina que tetigerit stilla tribus vicibus abluat minister, et calice subposito aqua ablucionis sumatur, et iuxta altare deponatur.

De aranea et huiusmodi, lvii. Questio de aranea et alio inundo si inciderit, nichilominus in secretis vel in libris theologicis diffinitum. Hec autem dicit magister P. de Mand. quia si ita evenerit ei, non sumpsisset, set pocius in piscinam poneret; et narravit se ita audisse Turonis de quibusdam monachis qui inmiscuerunt venenum vino in calice abbatis missam celebrantis. Unus autem eorum hec ei sumpturo indicavit. Ipse tamen nichilominus sumpsit et obiit. Et narravit de alio qui bibit araneam cum sanguine, nec lesus, immo integra per brachium exivit. Ego etiam de quodam verissime audivi cui aranea per maiorem articulum pedis in crastino exivit. Audivi etiam de alio

³⁸⁵ Cf. Grat., *ibid.*, D. 1 c. 58.

³⁸⁶ Grat., *ibid.*, D. 2 c. 29; Barth., c. 100, p. 268.

³⁸⁷ Grat., *ibid.*, D. 1 c. 53; Barth., c. 100, p. 267.

³⁸⁸ Grat., *ibid.*, c. 39, in titulo.

³⁸⁹ Grat., *ibid.*, c. 40, in titulo.

Dictum est supra quod excommunicati sunt vitandi.³⁹⁰ Et quia Iudei pro excommunicatis reputantur ab ecclesia, tamquam excommunicati licet indirecte ideo nobis sunt vitandi, et quia inimici fidei et a summo sacerdote maledicti,^p *Deutronomio* xxviii,^q ubi xxviii maledictiones incurrunt.³⁹¹ Ideo non licet cum eis comedere vel bibere vel contractum aliquem facere, xxviii,^r quest. i, Nullus, ubi prohibetur etiam ab eis medicinam recipere. Et qui contra hec^s fecerit, si clericus est, deponatur; laicus vero^t excommunicetur.³⁹²

Item Saracenos etiam^u vitamus, quia hodie iudaizant.^x Qui tamen mittuntur ad predicandam eis fidem sine scrupulo^y eis communicent, xi Causa, quest. iii, Ad mensam,³⁹³ et *Extra.*, eodem titulo, Quam sit laudabile.³⁹⁴ Et de hac materia ista sufficiant.^z

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quod dum hesitaret de corpore Christi sumendo quia vidisset araneam incidere, apes per fenestram vitream integram intrans eam a calice extraxit et per eandem fenestram asportavit. Sic ergo occulta sunt iudicia Dei, uni nocuit quod alteri non. Cum tamen uterque ex magna fide sumpserit forte non expediebat huic ut amplius viveret ne malicia imitaret intellectum eius. Sicut audisti de quodam Archiepiscopo Eboracensi qui venenum in calice positum ex magna fiducia sumpsit et obiit. Alii vero expediebat ut viveret et ita uterque contrario modo subventum est ad salutem. Et recte quidem videtur tali casu non esse sumendum. Dum enim habet homo quid aliud facere possit per humanum consilium, non debet se committere ex toto deo quia hoc esset Deum temptare. Ipse autem potest vermem tollere, non ergo videtur totum haurire; sicut Deus cum esset gradus in templo per quos poterat de pinnaculo descendere, noluit se precipitare quia hoc esset Deum temptare. Si quis tamen ex habundanti fide totum hauriat, Magister P. eum non iudicat dampnandum, set negat facturum. (Giraldus Cambrensis, *Gemma ecclesiastica*, ed. J. S. Brewer (London, 1862), pp. 12, 122-3). Quod Iudei vitandi sunt sicut excommunicati, lviii *add.* C^p excommunicati C^q Dist. xxviii C^r ubi xxviii ... xxviii: *om.* C^s hoc C^t et C^u *om.* C^x iudairant O^y delectacione C^z sufficiunt. De nocturna pollucione, lix. Queritur de pollucione nocturna utrum ille qui patitur pollucionem nocturnam in sequenti die accedere debeat ad celebrandum corpus Christi vel non. Ad hoc dicendum est quod triplex est pollucio. Una est que provenit ex cogitatione preveniente, ut si quis cogitaret de aliqua muliere de die et postea nocte quedam ymaginacio ex hoc ei incurrat. Dico quod talis pollucio mortale peccatum est, nec in sequenti die debet sacerdos corpus Christi conficere, nec aliquis si ita contigerit ad acceptionem corporis Christi debet accedere. Alia pollucio est que provenit ex crapula, id est a superfluitate cibi et potus, et similiter talis pollucio mortale est peccatum, nec in sequenti die debet sacerdos corpus Christi conficere nec aliquis cui ita contigerit debet corpus Christi accipere. Est autem alia pollucio que naturalis est. Sunt etenim v receptacula plena, et ideo natura expellit superfluos humores. Talis quidam pollucio venialis est, nec impedit aliquem in sequenti die corpus Christi conficere nec suscipere. C; cf. *Flamb.* p. 268, n. 72.

³⁹⁰ supra, nn. 372 ff.

³⁹¹ Deut. 28: 15 ff.

³⁹² Grat., C. 28 q. 1 c. 13; Raym., 1.4.13, p. 33f.

³⁹³ Grat., C. 11 c. 3 c. 24; Raym., *ibid.*

³⁹⁴ X., 5.6.10; Raym., *ibid.*

ROBERT FLAND'S *CONSEQUENTIAE* : AN EDITION

Paul Vincent Spade

THE treatise edited below is the first of three short logical works which together constitute the entirety of Robert Fland's known corpus. The other two works are an *Insolubilia* and an *Obligationes*.¹ The works are preserved in a single known codex in the Bibliothèque publique de la ville de Bruges, MS. 497, fols. 41ra1-46ra46. The codex dates from the fourteenth century.² The complete contents of the MS. are as follows :

- (1) fols. 1ra-4orb. William of Ockham, *Summa logicae* (incomplete) ;
- (2) fols. 41ra-43rb. Robert Fland, *Consequentiae* ;
- (3) fols. 43rb-44va. Robert Fland, *Insolubilia* ;
- (4) fols. 44vb-46ra. Robert Fland, *Obligationes* ;
- (5) fols. 46ra-59va. William Heytesbury, *Regulae solvendi sophismata* ;
- (6) fols. 59vb-64rb. Thomas Bradwardine, *Tractatus de proportionibus velocitatum in motibus*;³
- (7) fols. 64va-73vb. Richard Kilmington, *Sophismata* ;
- (8) fols. 74ra-95va. William Heytesbury, *Consequentiae*.⁴

¹ I have prepared editions of these two remaining works, together with a study of Fland's doctrine. They will be forthcoming in due course.

² See A. de Poorter, *Catalogue des manuscrits de la Bibliothèque publique de la ville de Bruges* (Catalogue général des manuscrits des bibliothèques de Belgique 2; Gembloux, 1934).

³ This copy is in addition to those listed in James A. Weisheipl, 'Repertorium Mertonense', *Mediaeval Studies* 31 (1969) 174-224 at 180.

⁴ De Poorter's *Catalogue* calls this tract 'Abstractiones magistri Ricardi Sophiste'. The incipit is: 'Nulla est affirmatio in qua universale universaliter sumptum'. Curtis Wilson, in his *William Heytesbury: Medieval Logic and the Rise of Mathematical Physics* (Madison, 1956), p. 207, refers to a copy of Heytesbury's *Consequentiae* in Oxford, Corpus Christi, MS. 293, fols. 337-357, with the incipit: 'Nulla est affirmatio in qua universale sumptum ...'. Cf. also London, British Library Royal 12. F. xix, fol. 12b, listed in Julius Gilson, *Catalogue of Western Manuscripts in the Royal and King's Collections* (London, 1921). The text was printed in Bologna by Benedictus Hectoris, c. 1495, item no. 4614 in *Indice generale degli incunaboli delle biblioteche d'Italia* (Rome, 1943-1965).

Fland is known to modern scholarship only through the three tracts preserved in this codex. There appear to be no additional extant records concerning his life or death, his education or career. Indeed, not even his name is certain. The MS. copy of his works contains the following *explicit*s:

Expliciunt *Consequentiae* Roberti Fland;
Expliciunt *Insolubilia* Fland;
Expliciunt *Obligationes* Roberti Fland.

In each of the three, the name 'Fland' is followed by a *punctum*, perhaps indicating an abbreviation. If this is so, then it is possible that 'Robert Fland' was really a 'Robert of Flanders'.⁵ In the absence of any stronger evidence, however, I have chosen to read the name as it stands in the MS.

We are in a somewhat better position with respect to Fland's *floruit* and the date of the tracts attributed to him. His *Insolubilia* almost certainly makes use of the first chapter ('De insolubilibus') of William Heytesbury's *Regulae solvendi sophismata*.⁶ Heytesbury's tract was composed in 1335.⁷ This gives us a probable *terminus post quem* for Fland's *Insolubilia*.⁸

A *terminus ante quem* is provided by the fact that Fland's *Insolubilia* seems to have been used by Ralph Strode in his tract 'De insolubilibus'.⁹ Strode quotes Fland's definitions of an insoluble proposition, a true proposition and a false proposition, and then observes, 'After these definitions, he gets down to solving insolubles both

⁵ Philotheus Boehner, *Medieval Logic: A Study of Its Development from 1250-c. 1400* (Manchester, 1952), p. 14, refers to an *Insolubilia* by a certain 'Robertus de Flandria'. Although he gives no citation, Boehner was presumably referring to the man I call Robert Fland. I have been unable to locate any other 'Robertus de Flandria'. In this connection, observe that there is no MS. justification for the 'de'.

⁶ Published in *Tractatus Gulielmi Hentisberi de sensu composito et diviso, Regulae ejusdem cum sophismatibus...* (Venice, 1494 [Hain 8437]). Copy at University of Chicago Library. On Heytesbury, see Wilson, *William Heytesbury*, and James A. Weisheipl, 'Ockham and Some Mertonians', *Mediaeval Studies* 30 (1968) 195-199.

⁷ Cf. Erfurt, CA 2^o 135, fol. 17rb, 'datus Oxonie a mag. Wilhelmo de Hyttisbyri a.D. m^occc^oxxxv^o'; quoted by Weisheipl, 'Ockham and Some Mertonians', 196.

⁸ It ought to be pointed out here that Heytesbury explicitly disclaims any originality for his position, *Regulae*, fol. 4va: 'Primum igitur capitulum notam sed non novam de insolubilibus summam declarabit'. It is accordingly conceivable that Fland was using a source prior to Heytesbury. On the other hand, despite Heytesbury's disclaimer, no earlier text is known that holds the same position. See Paul Vincent Spade, *The Mediaeval Liar: A Catalogue of the Insolubilia-Literature* (Subsidia Mediaevalia 5; Toronto, 1975).

⁹ I am preparing an edition of this and other tracts by Strode.

according to the position of Master Thomas Bradwardine¹⁰ and according to the position of Heytesbury.¹¹ Although Strode never mentions Fland by name, this description certainly fits Fland's procedure.

Moreover, in Part 2 of his tract, Strode argues against Roger Swyneshed's¹² position on insolubles by inferring nine unacceptable conclusions from it.¹³ With some relatively minor variations, these conclusions and the arguments for them are the same as nine conclusions and arguments in Fland's *Insolubilia*. The first three conclusions, for both Strode and Fland, correspond respectively to Swyneshed's first, third and second conclusions — so that both Fland and Strode have them out of order in the same way. All this indicates that Strode was indeed using Fland's tract in his own 'De insolubilibus', at least indirectly.

Strode's treatise is preserved in Erfurt, CA 4° 255, fols. 11ra-12va. The MS. is dated 1368-1370, on the basis of the *explicit*s of three other works contained in it.¹⁴ This indicates an approximate date of 1370 as a *terminus ante quem* for Strode's tract and consequently for Fland's.

In short, Fland's *Insolubilia* can be put with fair certainty between the years 1335 and 1370. There is no reason to think that his two other extant works were not written at about the same time.¹⁵

Fland's tracts are copied in the MS. in a usually clear, but rather highly abbreviated hand, two columns to the side, sixty-one to sixty-five lines to the column. There are few important marginalia. Initial capitals of the three works are omitted, although two lines have been indented in each case to make room. Capitals have been filled in for the

¹⁰ On Bradwardine, cf. Spade, *The Mediaeval Liar*, item LXIV. The text of Bradwardine's tract is edited by Marie-Louise Roure, 'La problématique des propositions insolubles au XIII^e siècle et au début du XIV^e, suivie de l'édition des traités de W. Shyreswood, W. Burleigh et Th. Bradwardine' in *Archives d'histoire doctrinale et littéraire du moyen âge* 37 (1970) 205-326.

¹¹ From Erfurt, CA 4° 255, fol. 11ra. For the Latin, see Spade, *The Mediaeval Liar*, item LIII.

¹² On Swyneshed, cf. Spade, *The Mediaeval Liar*, item LXIII, and James A. Weisheipl, 'Roger Swyneshed, O.S.B., Logician, Natural Philosopher, and Theologian' in *Oxford Studies Presented to Daniel Callus* (Oxford, 1964), 231-252.

¹³ Erfurt, CA 4° 255, fols. 9vb-10ra. The text will be transcribed as an appendix to my edition of Fland's *Insolubilia*.

¹⁴ Cf. W. Schum, *Beschreibendes Verzeichnis der amptonianischen Handschriften zu Erfurt* (Berlin, 1887). An incomplete and corrupt copy is contained in Oxford, Bodleian, Canon. Misc. 219, fols. 47vb-52vb, as the sixth and last tract of Strode's *Logica*. That MS., however, is dated 1392. See Spade, *The Mediaeval Liar*, item LIII.

¹⁵ There is a reference to the *Obligationes* at the end of paragraph 20 of the *Consequentiae*. A full discussion of the dating of Fland's tracts will be included in the introduction to my edition of Fland's *Insolubilia*, where the relevant texts may be found.

subdivisions of the works; they appear in the *Consequentiae* and the *Obligationes*. On fol. 44va61-44va65, immediately following the *explicit* of the *Insolubilia*, there is a short note on *officiabilia* in what appears to be a different hand.

The MS. has been examined in microfilm copy only. The orthography has been normalized to that of *Thesaurus linguae latinae*. Editorial additions are inserted in pointed brackets, editorial deletions in square brackets. Where the letters 'a', 'b', etc., are used as names or variables, I have italicized them.

<Consequentiae Roberti Fland>

(1) (f. 41ra) <N>ota quod consequentia dividitur duobus modis. Nam quaedam est formalis et quaedam materialis. Ad cognoscendum quando consequentia est formalis dantur regulae generales. Prima¹ est ista: Ubi consequens intellegitur in antecedente formaliter. Verbi gratia, ista consequentia est formalis 'Homo est; igitur animal est' quia hoc consequens 'animal' formaliter intellegitur in antecedente, scilicet, 'homo'.

(2) Secunda² regula talis est: Omnis consequentia est formalis ubi ex opposito consequentis formaliter sequitur oppositum antecedentis, ut hic 'Homo est; igitur animal' quia ex opposito consequentis formaliter sequitur oppositum antecedentis ejusdem consequentiae, quoniam sequitur 'Nullum animal est; igitur nullus homo est'.

(3) Tertia³ regula talis est: Ubi oppositum consequentis formaliter repugnat antecedenti et hoc ejusdem consequentiae. Unde ista consequentia est formalis 'Homo est; igitur risibile est' quia oppositum illius 'Risibile est' quod est consequens repugnat huic antecedenti 'Homo est' quia ista repugnant formaliter 'Homo est' et 'Nullum risibile est' quoniam ex una sequitur oppositum alterius. Sequitur enim 'Homo est; igitur aliquid risibile est'. Et sequitur 'Nullum risibile est; igitur nihil quod est homo est'. Unde⁴ idem est hic oppositum et contradictorium.

(4) Adhuc sunt aliquae regulae speciales quae valent ad cognitionem consequentiae formalis quarum una⁵ est ista: A tota copulativa ad ejus

¹ Marg. Prima regula

² Marg. Secunda regula

³ Marg. Tertia regula

⁴ Marg. Nota

⁵ Marg. Regula

partem est consequentia formalis. Sequitur enim 'Tu es Romae et tu curris; igitur tu es Romae' et 'Tu curris et tu es Romae; igitur tu curris'. Tamen ab altera parte ad copulativam est fallacia consequentis. Unde non sequitur 'Tu curris; igitur tu curris et tu es Romae' quia oppositum consequentis stat cum antecedente, quia ista stant simul 'Tu es Romae' et 'Tu non es Romae vel tu non curris'. Unde⁶ opposita copulativae est disjunctiva facta ex oppositis partium copulativae et e contra oppositum disjunctivae est una copulativa facta ex oppositis partium disjunctivae. Sicut prius dictum est, ad hoc quod consequentia sit formalis penes proprias significationes propositionum requiritur quod oppositum consequentis formaliter repugnat antecedenti. Et sic non est in proposito. Et ideo talis consequentia non valet.

(5) Sed⁷ aliquando consequentia est formalis ab una parte copulativae ad totam copulativam ut quando partes sunt simpliciter convertibiles. Verbi gratia, 'Tu es risibile; igitur tu es risibile et tu es homo'. Similiter quando una pars copulativae est antecedens ad aliam tunc arguendo ab una parte copulativae quae est antecedens ad totam copulativam est consequentia bona. Sequitur enim 'Tu es homo; igitur tu es animal et tu es homo'.

(6) Unde⁸ notandum est quod aliquae propositiones convertuntur simpliciter et aliquae ut nunc. Propositiones⁹ convertuntur simpliciter quando ad hoc quod ita sit sicut denotatur per unam requiritur quod ita sit sicut denotatur per aliam. Unde istae simpliciter convertuntur 'Tu es homo; igitur tu es risibile'. Et semper consequentia debet concedi quae fit ex propositionibus simpliciter convertibilibus. Propositiones¹⁰ convertuntur ut nunc quando una significat sicut alia ut nunc ut si ponitur illa 'Tu es asinus' ad designandum praecise quod tu es homo et ista 'Tu es homo' significet sic sicut verba praetendunt. Similiter¹¹ illae propositiones convertuntur ut nunc mediante impositione et consequentia facta ex talibus non debet concedi, sed posset concedi quod ista est bona. Et non est inconveniens negare consequentiam bonam quia ista consequentia non est nisi accidentaliter bona, scilicet, mediante impositione.¹²

⁶ Marg. Nota

⁷ Marg. Nota

⁸ Marg. Nota

⁹ Marg. Nota

¹⁰ Marg. Nota

¹¹ Marg. Nota

¹² Cf. Paul of Pergula, *Logica and Tractatus de sensu composito et diviso*, ed. Mary Anthony Brown (St. Bonaventure, N. Y., 1961), pp. 141 f.

(7) Unde¹³ nulla consequentia debet concedi bona¹⁴ nisi quae est bona penes primarias illas significationes antecedentis et consequentis. Unde semper debet talis consequentia negari 'Tu es homo; igitur tu es asinus' qualitercumque propositiones significant. Et talis consequentia debet concedi 'Tu es homo; igitur tu es animal' qualitercumque propositiones significant.

(8) Propositio¹⁵ dicitur copulativa quando talis nota 'et' copulat propositiones ad invicem ut 'Tu curris et tu es Romae'.¹⁶ Propositio dicitur de copulato extremo quando haec nota 'et' copulat terminos ad invicem ut 'Tu es homo et animal' vel 'Sortes et Plato currunt'.

(9) Ad hoc quod copulativa sit vera deducta <impositione> requiritur quod utraque pars sit vera. Sed mediata impositione copulativa¹⁷ est vera quando utraque ejus pars est falsa ut si ista copulativa imponatur 'Tu es asinus et tu es capra' ad significandum praecise quod deus est, et quod¹⁸ quaelibet ejus pars principaliter significat nihil per se praeter primariam suam significationem, tunc illa copulativa est vera et utraque ejus pars est falsa.

(10) Similiter¹⁹ copulativa est falsa et utraque ejus pars est vera et hoc mediante impositione ut si ponitur ista copulativa 'Tu es homo et tu es animal' ad significandum praecise quod tu es asinus, et quod²⁰ quaelibet categorica illius habeat suam primariam significationem, tunc copulativa est falsa et quaelibet pars est vera.

(11) Alia regula²¹ est quod arguendo ab altera parte disjunctivae ad

¹³ *Marg.* Nota

¹⁴ bona *in marg.* In view of the distinction being made here and at the end of par. 6 (see also the reference in n. 12), either this word must be deleted or else the sentence must be construed as 'nulla consequentia bona debet concedi nisi...', not as 'nulla consequentia debet concedi <esse> bona nisi...'.
¹⁵ *Marg.* Nota

¹⁶ But cf. par. 17.

¹⁷ Reading uncertain. The abbreviation seems to have been corrected from 'copulativae'.

¹⁸ The point of the example requires that 'quod' not be construed with 'significandum'. The example does not assume that the copulative sentence signifies two things: (1) that God exists, and (2) that each of its own parts principally signifies etc. Rather, the example must itself assume two things: (1) that the sentence signifies that God exists, and (2) that each of the sentence's parts principally signifies etc. Otherwise there is no reason to conclude 'et utraque ejus pars est falsa'. This can be accomplished by deleting 'quod', so that the clause 'et... significationem' is governed by 'si', or alternatively (and perhaps less plausibly) by construing the clause as 'et <imponatur> quod...'. This whole passage should be compared with par. 10, where a similar construction with 'ponitur' is handled somewhat more successfully.

¹⁹ *Marg.* Nota

²⁰ Understand 'et <ponitur> quod'. Cf. n. 18.

²¹ *Marg.* Regula

totam disjunctivam est consequentia bona et formalis. Consequentia sequitur 'Tu es homo; igitur tu es homo vel <tu es>²² asinus' quoniam oppositum consequentis formaliter repugnat antecedenti sicut patet intuitu. A²³ disjunctiva ad alteram ejus²⁴ partem est fallacia consequentis. Unde non sequitur 'Tu curris vel tu es Romae; igitur tu curris' quia oppositum consequentis formaliter stat cum antecedente. Unde ista stant simul 'Tu non curris' et 'Tu curris vel tu es Romae'.

(12) Aliquando tamen a tota disjunctiva ad alteram ejus partem est consequentia bona quando partes (f. 41rb) disjunctivae sunt simpliciter convertibiles sicut sequitur 'Tu es homo vel tu es risibilis; igitur tu es risibilis'. Similiter²⁵ quando una pars est antecedens ad aliam tunc a disjunctiva ad istam partem quae sequitur ex alia parte disjunctivae est consequentia bona sicut sequitur 'Tu curris vel tu moveris; igitur tu moveris'.

(13) Unde sicut est de copulativa quod est falsa et utraque ejus pars est vera mediante impositione sic disjunctiva vera quando alia pars vera est et disjunctiva falsa est quando utraque pars est falsa et hoc impositione.²⁶

(14) Propositio dicitur disjunctiva quando haec nota 'vel' disjungit propositiones ad invicem ut 'Tu curris vel tu es Romae'. Sed propositio dicitur de disjuncto extremo quando haec nota 'vel'²⁷ disjungit terminos alicujus propositionis ad invicem ut 'Tu es homo vel asinus'.

(15) Alia regula²⁸ est illa: Cujuslibet propositionis contradictorium debet dari per negationem praepositam²⁹ toti. Unde non est verius dari contradictorium quam propositione negante[m] toti et hoc si sit propositio categorica vel hypothetica affirmativa vel negativa. Unde contradictorium illius propositionis 'Aliquis homo currit' est ista 'Nihil quod est homo currit' vel ista 'Non aliquis homo currit'. Tamen ista

²² The addition is necessary in light of the distinction made in par. 14.

²³ *Marg. Regula*

²⁴ Reading uncertain.

²⁵ *Marg. Nota*

²⁶ The text is surely corrupt here. To parallel what was said about copulatives in par. 9, I suggest the following: '... sic disjunctiva falsa <est> quando aliqua pars vera est et disjunctiva vera est quando utraque pars est falsa, et hoc <mediante> impositione'.

²⁷ 'vel' in *marg.*

²⁸ *Marg. Regula*

²⁹ propositam MS. Several times in paragraphs 15-18, the scribe has written a form of 'proponere' where one would have expected a form of 'praeponere'. (Cf. nn. 31, 32, 35, 37, 38, 40.) That 'praeponere' was in fact intended is suggested by the second sentence of par. 17, where the MS. has 'negatio praeponitur expresse toti' in a similar context. Cf. also the first sentence of par. 20.

non contradicunt 'Homo currit' et 'Nullus homo currit' quia posito quod nullus homo masculus currit et quod mulier currit. Nec ista contradicunt 'Homo non currit' et 'Quilibet homo currit' posito quod quilibet homo masculus currit et nulla mulier currat.³⁰ Unde si aliquam contradictam alicujus propositionis *a* velis dare praeponas³¹ negationem toti ut 'Aliquis homo currit' 'Non aliquis homo currit', 'Homo currit' 'Nihil quod est homo currit', 'Nullus homo currit' 'Nonnullus homo currit'.

(16) Unde in singularibus non refert praeponere³² vel postponere negationem toti sicut 'Tu curris' 'Tu non curris', 'Tu es Romae' 'Tu non es Romae'. Contradictorium illius propositionis 'Tu curris et tu es Romae' est ista 'Non tu curris et tu es Romae'.

(17) Et³³ si dicitur quod ista est copulativa 'Non tu es Romae et tu curris' et sic ista non contradicunt 'Tu curris et tu es Romae' 'Non tu curris et tu es Romae' quia utraque est falsa. Solutio³⁴: Dicendum est quod contradicunt et non est copulativa 'Non tu curris et tu es Romae' nec aliqua talis quando negatio praeponitur expresse toti. Immo disjunctiva est. Et quaelibet talis consequentia non valet 'Hoc est talis nota 'et' quae copulat propositiones ad invicem; igitur est copulativa'. Vel potest dici quod nota 'et' non copulat propositiones ad invicem et hoc propter negationem praepositam³⁵ toti.³⁶ Verbi gratia, ista non est particularis 'Non aliquis homo currit' nec ista universalis 'Non omnis homo currit' et hoc propter negationem praepositam³⁷ toti. Eodem modo sicut negatio expresse praeposita³⁸ subjecto talis propositionis 'Non aliquis homo currit' impedit ne illa propositio sit particularis, similiter ne ista sit universalis 'Non omnis homo currit', similiter est de ista propositione 'Non tu curris et tu es Romae'. Unde non sequitur 'Non tu curris et tu es Romae; igitur tu es Romae' quia ibi non arguitur a tota copulativa ad alteram ejus partem.

³⁰ MS. adds but deletes nec ista contradicunt 'Homo non currit' et 'Quilibet homo currit' posito quod quilibet homo masculus currit et nulla mulier currit et cetera. (Fland does not always abide by the observations he makes here concerning gender. Cf. par. 34.)

³¹ proponas MS.

³² proponere MS.

³³ Marg. Objectio

³⁴ Marg. Solutio

³⁵ propositam MS.

³⁶ This amounts to a restriction on par. 8. For Fland, sentences joined by 'et' constitute copulatives only when the 'et' is not within the scope of a 'non'. Similar remarks apply to disjunctives. Cf. par. 19.

³⁷ propositam MS.

³⁸ proposita MS.

(18) Sed ista est copulativa 'Nullus homo currit'³⁹ et tu es Romae'. Unde negatio expresse praeposita⁴⁰ negat pro utraque parte. Sed sic non est de negatione subintellecta. Unde negatio in ly 'nullus' non negat nisi solummodo primam propositionem categoricam.

(19) Similiter tales non sunt disjunctivae 'Non tu curris vel tu es Romae' 'Non tu es homo vel tu es asinus'. Vero quaelibet talis aequipollet copulativae.⁴¹ Unde non sequitur 'Tu es homo; igitur non tu es homo vel tu es asinus' et non sequitur⁴² 'Tu es Romae; igitur non tu curris vel tu es Romae' quia ibi non arguitur ab altera parte disjunctivae ad totam disjunctivam. Sed talis consequentia est bona postponendo negationem 'Tu non es Romae; igitur tu curris vel tu non es Romae'. Similiter talis consequentia bona est 'Tu es Romae et tu non curris; igitur tu es Romae'.⁴³

(20) Eodem modo contradictorium temporalis per negationem praepositam debet dari. Similiter oppositum conditionalis et causalis. Unde quaelibet temporalis⁴⁴ convertitur cum copulativa facta ex consimilibus terminis. Unde istae convertuntur 'Dum omnis homo currit omnis homo movetur' 'Omnis homo currit et omnis homo movetur'. Oppositum illius conditionalis 'Si tu es homo tu es animal' est ista 'Non si tu es homo tu es animal'. Unde causalis et conditionalis de consimilibus terminis convertuntur. Unde ista convertuntur 'Si tu es homo tu es animal' et 'Quia tu es homo tu es animal'. Et quando conditionalis valet causalis facta ex consimilibus terminis valet et e contra. Unde quaelibet conditionalis et causalis quae non valet est impossibilis. Et ista de causa nulla causalis vel conditionalis quae non valet debet concedi et hoc deducta impositione nec aliqua debet talis admitti in ista specie obligationis quae dicitur 'positio' sicut posterius dicitur.⁴⁵

(21) Alia regula⁴⁶ est ista: De quolibet dicitur alterum contradictorium et de nullo eorum ambo, quia capiuntur⁴⁷ ista contradicta

³⁹ MS. adds but deletes homo currit

⁴⁰ proposita MS.

⁴¹ Cf. above, n. 36 to par. 17.

⁴² MS. adds but deletes tu non est (?) non

⁴³ The point of this last example is not clear.

⁴⁴ conditionalis MS. The emendation is required by the sense of the paragraph.

⁴⁵ Cf. Fland's *Obligationes*, fol. 45ra.

⁴⁶ Marg. Regula

⁴⁷ capitur MS. 'Ista contradicta' is neuter plural. To read the passage with a feminine singular, 'ista contradicta' 'homo et non homo' has the disadvantage that the single composite expression 'homo et non homo' is not in fact 'contradicta' by anything in the paragraph (although each of its parts is contradicted by the other). See also three sentences below, where 'homo' and 'non homo' are spoken of in the plural.

'homo' et 'non homo'. De quolibet dicitur alterum ipsorum et, quocumque⁴⁸ demonstrato, illud est homo vel illud non est homo. Et ista regula habet intellegi de contradictoriis incomplexis. Et sunt contradictoria incomplexa 'homo' et 'non homo'. Contradictoria complexa⁴⁹ sunt propositiones contradicentes cujusmodi sunt 'Tu curris' 'Tu non curris', 'Tu es Romae' 'Tu non es Romae'.

(22) Si tamen arguitur⁵⁰ 'Significata sunt contradictoria (f. 41va), demonstratis istis terminis in obliquo "hominem" et "non hominem", et de eodem dubitatur ista regula quia istae propositiones sunt verae "Tu vides hominem" "Tu vides non hominem";' dicendum⁵¹ est quod isti termini non sunt praedicata istorum propositionum sed tales 'videns hominem' 'videns non hominem'.

(23) Alia regula⁵² est ista: Numquam praedicatur oppositum de opposito.⁵³ Unde quaelibet talis est falsa 'Homo est non homo' 'Asinus est non asinus'. Ulterius quorumcumque contradictoriorum sibi invicem contradicentium unum est verum et reliquum falsum. Unde nulla contradictoria sunt simul vera nec simul falsa. Etiam aliqua sunt contradictoria quorum nullum est verum nec falsum sicut sunt contradictoria incomplexa.

(24) Ulterius⁵⁴ est sciendum quod ex eodem antecedente quod est propositio categorica possibilis non sequuntur duo contradictoria. Ex aliqua tamen propositione categorica impossibili sequuntur duo⁵⁵ contradictoria sicut sequitur 'Iste homo qui est homo est non homo; igitur iste homo est homo et ille homo est non homo'. Similiter 'Ille homo currit et ille homo non currit; igitur ille homo currit', et similiter sequitur 'Ille homo non currit', quia utraque propositio sequitur formaliter. Ex aliqua tamen propositione impossibili sequuntur duo contradictoria non tamen formaliter. Unde sequitur 'Nullus deus est; igitur nullus deus est'. Similiter talis consequentia materialis est 'Nullus⁵⁶ deus est; igitur deus est' quia utraque consequentia debet con-

⁴⁸ quodcumque MS.

⁴⁹ Contradictoria complexa: propositiones complexae MS. The emendation seems required by the sense of the paragraph.

⁵⁰ Marg. Objection

⁵¹ Marg. Solutio

⁵² Marg. Regula

⁵³ Cf. the end of par. 3.

⁵⁴ Marg. Regula

⁵⁵ duo in marg.

⁵⁶ Nullus in marg.

cedi. Similiter talis consequentia debet concedi 'Nullum tempus est; igitur aliquod tempus est'.⁵⁷

(25) Ulterius⁵⁸ sciendum quod ex propositione categorica negativa numquam sequitur affirmativa formaliter. Unde numquam talis consequentia valet 'Tu non curris; igitur tu sedes vel tu jaces'. Similiter [nec] propositio negativa nihil implicat.⁵⁹ Unde ista propositio nihil implicat demonstrando te 'Iste asinus non currit' nec talis propositio 'Tu non eris asinus' demonstrando te nec ista 'Tu non eris homo in hoc instanti in quo eris capra' nec 'Tu non curris in hoc instanti in quo tu moveris' nec talis 'Tu non es homo in hoc tempore in quo tu eris asinus' nec ista 'Tu non vides secum tuum qui est asinus'⁶⁰ et hoc quando negatio praeponitur toti.⁶¹ Aliquando autem talis propositio apparet esse falsa 'Ille homo qui est asinus non currit'. Ideo satis bene potest concedi quod talis propositio implicat nec hoc est contra regulam datam quia regula habet intellegi quando negatio praeponitur.

(26) Ulterius tales propositiones non implicant 'a propositio falsa non significat aliter quam est' 'a propositio vera non significat praecise sicut est', nec ista repugnant 'Quaelibet propositio falsa⁶² significat aliter quam est' et 'a propositio falsa non significat aliter quam est', nec ista 'Quaelibet propositio vera significat praecise sicut est' et 'a propositio vera non significat praecise sicut est'.⁶³ Et tales consequentiae non valent 'a propositio falsa non significat aliter quam est; et a propositio est aliqua propositio; igitur aliqua propositio falsa non significat aliter quam est'. Nec valet talis consequentia 'a propositio vera non significat praecise sicut est; et a est aliqua propositio; igitur aliqua propositio vera⁶⁴ significat praecise sicut est'. Immo tales consequentiae sunt bonae 'a propositio falsa non significat aliter quam est; et a est aliqua propositio falsa; igitur aliqua propositio falsa non significat aliter quam est'. Et talis similiter 'a propositio vera non significat praecise sicut est; et a propositio est aliqua propositio vera; igitur aliqua propositio vera non significat praecise sicut est'.

⁵⁷ These consequences cannot be formal according to the rule given at the beginning of par. 25.

⁵⁸ *Marg.* Regula

⁵⁹ On this use of 'implicat', cf. the tract *De implicationibus* in L. M. De Rijk, 'Some Notes on the Mediaeval Tract *De insolubilibus* with the Edition of a Tract Dating from the End of the Twelfth Century', *Vivarium* 4 (1966) 83-115 at 100-103.

⁶⁰ The point of these bizarre examples is not altogether clear.

⁶¹ This is not the case in any of the examples. But cf. par. 16.

⁶² falsa in *marg.*

⁶³ Cf. par. 41, and perhaps also par. 35.

⁶⁴ vera in *marg.*

(27) Et quod primae duae consequentiae non valent patet, posito quod *a* foret propositio vera et quod quaelibet propositio falsa significat aliter quam est. Tunc patet quod *a* propositio falsa non significat aliter quam est quia *a* non est propositio falsa et est propositio. Consequens est falsum, scilicet, quod aliqua propositio falsa non significat aliter quam est. Similiter posito quod quaelibet propositio vera significat praecise sicut est et sit *a* propositio falsa tunc quaelibet propositio vera significat praecise sicut est. Et *a* propositio vera non significat praecise sicut est, et *a* est aliqua propositio. Et sic est antecedens verum et consequens falsum.

(28) Ulterius notandum⁶⁵ quod [quod] quaelibet copulativa facta ex contradictoriis est impossibilis deducta impositione. Unde quaelibet talis copulativa est impossibilis 'Tu curris et tu non curris'. Unde quaelibet disjunctiva facta ex contradictoriis est necessaria. Unde quaelibet talis est necessaria 'Tu curris vel non curris'.

(29) Ulterius talis consequentia non valet 'Hoc est contradictorium; et hoc est contradictorium; igitur ista sunt contradictoria'. Unde⁶⁶ ad hoc quod aliqua sunt contradictoria requiritur quod ista contradicunt sibi invicem. Potest tamen dici quod nulla sunt contradictoria inter se contradicentia quia nulla sunt contradictoria inter se.⁶⁷ Aliter potest argui sophistice sic⁶⁸ '*a* contradicit alteri. Sic *b* contradicit alteri. Igitur utrumque istorum contradicit alteri', demonstrando *a* et *b*. Satis bene posset consequentia concedi uno modo et negatur ista consequentia 'Igitur *a* contradicit *b*'.

(30) Ulterius conceditur quod contradictoria significant aliter quam est et tunc non sequitur quod ista falsa sunt⁶⁹ quia quibuscumque duobus propositionibus captis quarum una significat aliter quam est et alia sicut est, ista duo significant aliter quam est.⁷⁰ Et non sequitur 'Igitur utrumque illorum significat aliter quam est'. Tamen talis consequentia est bona 'Ista currunt; igitur utrumque istorum currit' quia si iste terminus 'currere' infert⁷¹ duobus, hoc⁷² est utroque⁷³ illo-

⁶⁵ *Marg.* Notandum

⁶⁶ *Marg.* Nota

⁶⁷ This is presumably not meant to be a general position, but rather a possible reply in a certain case.

⁶⁸ *Marg.* Argumentum

⁶⁹ The abbreviation has one *minim* too many.

⁷⁰ Understand 'ista duo <conjunctim> significant aliter quam est'.

⁷¹ MS. abbreviation unclear.

⁷² MS. unclear.

⁷³ MS. unclear.

rum,⁷⁴ sed non sic est de isto termino 'significans aliter quam est'.

(31) Ulterius⁷⁵ sciendum: Cujuslibet propositionis contingentis suum contradictorium est contingens et cujuslibet propositionis necessariae suum contradictorium est impossibile.

(32) Ulterius ex impossibili sequitur possibile. Tamen ex possibili non sequitur impossibile. Unde illud: Ex falsis (f. 41vb) verum; ex veris nil nisi verum.

(33) Ulterius possit concedi quod duo contradictoria fuerunt vera et erunt vera quia in diversis instantibus fuerunt vera. Non tamen debet concedi quod duo contradictoria sunt vera.

(34) Similiter ista consequentia non valet 'Quodlibet contradictorium istorum est *a*; igitur *a* est quodlibet contradictorium istorum'. Nec⁷⁶ sequitur 'Omnia contradicta istorum sunt duo; igitur duo sunt contradictoria istorum', posito quod tales quattuor propositiones sunt 'Homo est animal' 'Nullus homo est animal' 'Rex sedet' 'Nullus rex sedet'.⁷⁷ Similiter omnia compossibilia illorum sunt duo, sed nulla duo sunt omnia compossibilia; igitur et cetera. Similiter ista consequentia non valet 'Potest esse quod rex sedet; potest esse quod nullus rex sedet; ergo potest esse quod'⁷⁸ nullus rex sedet <et> rex sedet'. Similiter non sequitur 'Potest esse quod nullus rex sedet et rex sedet'⁷⁹ et quod *a* propositio significet quod nullus rex sedet et rex sedet; ergo potest esse sicut *a* propositio significat'.⁸⁰ Similiter quaelibet propositio habet contradictorium, sed nullum contradictorium habet propositio quaelibet, sicut ista: Omnis homo est animal, sed nullum animal est omnis homo.

(35) Similiter talis copulativa est possibilis 'Nulla illarum contradicit alteri' demonstrando omnes propositiones quae sunt 'et quaelibet propositio habet contradictorium' posito quod post hoc generentur novae propositiones et quod omnes propositiones quae nunc sunt corrumpuntur.⁸¹ Unde non sequitur 'Quaelibet propositio habet con-

⁷⁴ Cf. par. 41.

⁷⁵ *Marg.* Notabile

⁷⁶ *Marg.* Nota

⁷⁷ But according to par. 15, these are not contradictories. Cf. n. 30 to par. 15.

⁷⁸ 'quod' seems to be stroked out in the MS., but added again in the margin. The margin also has another 'quod' with no indication where it is to be inserted.

⁷⁹ Similiter ... sedet *in marg.*

⁸⁰ As it stands, there is nothing wrong with this consequence. It seems likely that what is intended is 'Potest esse quod nullus rex sedet; et potest esse quod rex sedet; et potest quod *a* propositio significet quod nullus rex sedet et rex sedet; ergo potest esse sicut *a* propositio significat'.

⁸¹ 'Habens contradictorium' is thus truly predicable of sentences which have no existing contradictory.

tradictorium; igitur aliqua istarum contradicit alteri'. Nec sequitur 'Quaelibet propositio est; igitur aliqua istarum est'. Nec sequitur 'Omnis homo est in hoc instanti; igitur aliquis istorum est in hoc instanti'.⁸²

(36) Alia regula⁸³ est ad cognoscendum quando consequentia bona est a primo ad ultimum, et est i<s>ta: Si fiat consequentia bona a primo ad ultimum requiritur quod omnes consequentiae mediae sint bonae et non variatae. Consequentiae mediae a primo ad ultimum dicuntur tales excepta consequentia facta ex primo antecedente et ex ultimo consequente. Et consequentiae sunt variatae quando fit una conditionalis primo et postea fit una conditionalis et plus est antecedens in secunda quam prius fuit consequens in prima. Verbi gratia, per commune argumentum 'Si nullum tempus est dies non est; et si dies non est et aliquod tempus est nox est; et si nox est aliquod tempus est; igitur de primo ad ultimum, si nullum tempus est aliquod tempus est'. Haec non tenet a primo ad ultimum quia consequentiae intermediae sunt variatae.

(37) Aliquando a primo ad ultimum arguendo non valet quando aliqua consequentia media non valet ut posito quod quodcumque Sortes non currit Plato currit et arguitur sic 'Si nihil currit igitur Sortes non currit; et si Sortes non currit Plato currit; et si Plato currit aliquid currit; igitur si nihil currit aliquid currit'. Haec tamen non⁸⁴ tenet consequentia a primo ad ultimum quia aliqua consequentia media non valet, scilicet, ista 'Sortes non currit; igitur Plato currit' [tales propositiones debent concedi] licet ponitur 'quodcumque Sortes non currit Plato currit'. Tales propositiones debent concedi, tamen propter talem casum consequentia non debet concedi. Immo ad hoc quod consequentia sit formalis a primo ad ultimum requiritur quod quaelibet consequentia media sit formalis et quod nullae consequentiae mediae variantur sicut patet hic 'Si tu es homo tu es substantia'. Unde quando arguitur a primo ad ultimum arguitur per istam regulam: Quidquid sequitur ad consequens sequitur ad antecedens.

(38) Alia regula est ista: Distributo consequente sequitur antecedens distributum. Arguitur tamen contra istam regulam sic: 'Homo est asinus; igitur homo est animal'. Et non sequitur 'Omnis homo est animal; igitur omnis homo est asinus'. Similiter sequitur 'Homo est animal; igitur animal est homo'. Et tamen non sequitur 'Omnis homo est animal; igitur omne animal est homo'. Dicendum⁸⁵ est quod regula

⁸² Cf. perhaps pars. 26 and 41.

⁸³ *Marg. Regula*

⁸⁴ non *interl.*

⁸⁵ *Marg. Regula*

habet intellegi de distributione negativa sicut 'Nullus homo est animal; igitur nullus homo est asinus'. Similiter 'Nihil quod est animal est; igitur nihil quod est animal est homo'.

(39) Similiter⁸⁶ distributo superiori sequitur inferius distributum negative sic 'Nullus homo currit; igitur Sortes non currit', 'Nullum animal currit; igitur nullus homo currit'. Non tamen a superiori ad inferius cum distributione affirmativa sequitur de forma 'Omnis substantia currit; igitur omne animatum corpus currit'.⁸⁷

(40) Ab inferiori ad superius sine distributione affirmativa tenet consequentia ut 'Homo currit; igitur animal'.

(41) Similiter ab universali affirmativa ad sua singularia non sequitur formaliter. Non enim sequitur 'Omnis homo currit; igitur iste homo currit'. Sed cum medio bene sequitur 'Omnis homo currit; sed iste est homo; igitur iste currit'.⁸⁸ Similiter ab universali ad sua singularia est aliquando bona consequentia sine medio ut 'Uterque illorum currit; igitur ille illorum currit et ille istorum currit'. Similiter si ista istorum sunt utrumque istorum est.⁸⁹ Et similiter ista non sunt; igitur nullum istorum est. Ista consequentia tenet de praesenti. Unde nihil est istorum demonstratis non entibus. De futuro tamen vel de praeterito possent concedi tales propositiones 'Hoc istorum erit' et 'Ista non erunt' sicut de *a* et de *b* posito quod *a* sit res inanimata cujus aliqua pars incipit corrumpere in hoc instanti et sit *b* res animata.⁹⁰ Tunc hoc istorum erit demonstrando *b*. Tamen ista non erunt.

(42) Similiter posito quod nunc Sortes generetur et quod Plato sit et fuerit⁹¹ tunc hoc istorum fuit demonstrando Platonem, et ista non fuerunt demonstrando Sortem et Platonem. Et tamen non sequitur 'Igitur quodlibet istorum est vel quodlibet istorum fuit'. Nec sequitur 'Quodlibet istorum est vel fuit; sed non quodlibet istorum est; igitur quodlibet istorum fuit' ut posito quod Plato nunc primo generetur et quod in⁹² hoc instanti sit Sortes primo corruptus. Tunc antecedens patet intuenti. Sed ista consequentia est bona 'Quodlibet istorum est vel

⁸⁶ *Marg.* Nota

⁸⁷ For there may exist substances without there existing any animate bodies. It is curious that Fland does not here deny that the consequence is formal, but only that it follows 'de forma'. On this distinction, which Fland does not elaborate, cf. Paul of Pergula, *Logica*, p. 88, lines 44-49.

⁸⁸ Cf. par. 26 and perhaps also par. 35.

⁸⁹ Cf. par. 30.

⁹⁰ *MS.* adds *but deletes* cujus aliqua pars incipit corrumpere

⁹¹ Abbreviation uncertain.

⁹² in *interl.*

quodlibet istorum fuit; sed non quodlibet istorum est; igitur quodlibet istorum fuit'. Ibi arguitur a tota disjunctiva ad alterum ejus partem cum opposito unius partis. Et similiter sequitur 'Tu es Romae vel tu curris; sed tu non es Romae; igitur tu curris'.

(43) Ad cognoscendum quod consequentia est enthymematica (f. 42ra) et bona dantur regulae. Prima⁹³ est ista: Consequentia est enthymematica quae habet unam praemissam categoricam et non hypotheticam et unam conclusionem. Verbi gratia, 'Homo est; igitur animal'. Consequentia dicitur enthymematica bona quia oppositum consequentis repugnat antecedenti ejusdem consequentiae sicut patet in proposito 'Homo est; igitur animal est'.

(44) Et talis consequentia non valet 'Omnis homo est animal; tantum Sortes est homo; igitur tantum Sortes est animal' ut posito quod nihil foret homo nisi Sortes et quod plura animalia forent. Tunc antecedens est verum et consequens falsum.

(45) Similiter non est idem dicere 'Omnis <homo> qui est albus currit' et 'Omnis homo currit qui est albus', posito quod omnis homo albus currit et quod non omnis homo albus sit. Tunc ista est vera 'Omnis homo qui est albus currit' quia subjectum illius propositionis est iste 'homo qui est albus' et de quolibet tali dicitur praedicatum. Unde per dici de omni potest intellegi quaelibet⁹⁴ propositio universalis affirmativa, per dici de nullo potest intellegi quaelibet universalis negativa. Patet igitur quod ista est vera 'Omnis homo qui est albus currit'. Et ista est falsa 'Omnis homo currit qui est albus' quia ejus subjectum est iste terminus 'homo' et de quolibet tali non dicitur praedicatum. Nec⁹⁵ tales propositiones convertuntur 'Quaelibet propositio vera significat praecise sicut est' et 'Quaelibet propositio est vera quae significat praecise sicut est' posito quod plures propositiones sint verae et plures propositiones falsae. Tunc patet quod quaelibet propositio vera significat praecise sicut est. Similiter quaelibet propositio quae significat praecise sicut est est propositio vera. Haec tamen est propositio falsa 'Quaelibet propositio est vera quae significat praecise sicut est'.

(46) Alia regula⁹⁶ est ista: A tertio adjacente ad secundum adjacens est consequentia bona, et hoc in affirmativis. Nam⁹⁷ sequitur 'Tu es

⁹³ *Marg.* Regula

⁹⁴ MS. adds an illegible abbreviation, but deletes it.

⁹⁵ Abbreviation unclear. *Marg.* Nota

⁹⁶ *Marg.* Regula

⁹⁷ Abbreviation unclear.

homo; igitur tu es'. Et sequitur 'Homo est mortuus; igitur homo est'. Sed⁹⁸ aliquis dicat quod ista propositio est vera 'Homo est mortuus' et quod non sequitur ultra 'Igitur homo est' nec quod sequitur 'Sortes est mortuus; igitur Sortes est'. Contra,⁹⁹ quia quaelibet talis propositio est falsa 'Sortes est mortuus' quia est una propositio affirmativa; igitur subjectum significat aliquid vel aliqua¹⁰⁰ et similiter praedicatum. Sed iste terminus 'Sortes' in ista propositione 'Sortes est mortuus' nec significat aliquid nec aliqua posito quod nullus Sortes foret nec iste terminus 'mortuus' significat aliquid vel aliqua quia mortuum nihil est; igitur ista propositio est falsa 'Sortes est mortuus'.

(47) Arguitur¹⁰¹ ad idem quod ista propositio est falsa 'Sortes est mortuus' quia si ista foret vera eadem ratione ista propositio foret vera in casu 'Omnis Sortes est mortuus'. Ponitur quod modo sit vera in tali casu, scilicet, quod quilibet Sortes corrumpebatur et quod nullus Sortes sit. Arguitur quod ista propositio est falsa 'Omnis Sortes est mortuus' quia ad hoc quod propositio universalis affirmativa sit vera requiritur quod praedicatum praedicatur de quolibet contento sub subjecto. Sed hic nihil continetur sub subjecto nec subjectum significat aliqua; igitur ista propositio est falsa 'Omnis Sortes est mortuus'.

(48) Similiter tunc sequitur talis conclusio 'Omnis Sortes est et aliquis Sortes est mortuus' posito quod unus Sortes corrumpebatur et quod unus Sortes sit. Tunc est ista propositio vera 'Omnis Sortes est' quia dum aliquis Sortes est omnis Sortes est et dum aliquis homo est omnis homo est. Et illa propositio per se vera 'Aliquis Sortes est mortuus'. Patet igitur conclusio et quod sit falsa intuenti.

(49) Similiter sequitur ista conclusio 'Aliquis Sortes est mortuus et nullus Sortes qui est est mortuus'. Et quod sit falsa patet quia¹⁰² terminus communis et similiter discretus supponens respectu verbi de praesenti supponit pro praesentibus tantum. Sed nullus Sortes qui est est mortuus quia si aliquis Sortes est mortuus aliquis Sortes qui est est mortuus per regulam prius positam.¹⁰³

(50) Item arguitur quod tales propositiones sunt falsae 'Aliquid fuit

⁹⁸ *Marg.* Nota

⁹⁹ *Marg.* Argumentum

¹⁰⁰ i. e., if it is true.

¹⁰¹ *Marg.* Argumentum

¹⁰² *Marg.* Regula

¹⁰³ The argument seems slightly corrupt. The intent seems to be: '... pro praesentibus tantum. Modo nullus Sortes qui est est mortuus; sed si aliquis Sortes est mortuus aliquis Sortes qui est est mortuus per regulam prius positam'.

mortuum' vel 'Aliquis erat mortuum' quia iste terminus 'mortuum' nec significat aliquid nec aliqua nec significabit nec significavit aliquid vel aliqua; igitur tales propositiones numquam fuerunt verae 'Aliquid fuit mortuum' vel 'Aliquid erat mortuum'; igitur a multo fortiori nec illa 'Aliquid est mortuum'. Unde ad hoc quod aliqua propositio de futuro affirmative¹⁰⁴ sit vera requiritur quod praedicatum significat aliquid vel aliqua et similiter subjectum et hoc deducta impositione.

(51) Similiter tunc sequitur quod ista propositio est vera 'Mortuum est mortuum' quod est falsum. Probatio, quia ad hoc quod aliqua sit propositio vera in qua praedicatur convertibile de uno convertibili requiritur quod illi termini convertibiles significant eandem rem vel easdem res quia posito quod nullus Sortes sit tunc ista propositio est falsa 'Sortes est Sortes' non obstante quod convertibile praedicatur de suo convertibili. Similiter talis propositio est falsa 'Chimaera est chimaera' et huiusmodi.

(52) Patet igitur quod in affirmativis a tertio adjacente ad secundum adjacens tenet consequentia; in negativis non tenet. Non enim sequitur 'Tu non es currens; igitur tu non es'. Nec sequitur 'Hoc non est hoc; igitur hoc non est'.

(53) Tertium adjacens est quando subjectum et praedicatum ponuntur expresse sicut patet hic 'Tu es animal'. Secundum adjacens quando intellegitur subjectum vel praedicatum.

(54) Similiter a tertio adjacente ad secundum adjacens tenet consequentia in aliquibus dictionibus habentibus vim negationis sicut sequitur 'Tu es differens a Sorte; igitur tu es'.

(55) Arguitur quod ista regula non valet 'In affirmativis a tertio adjacente ad secundum adjacens' et cetera quia ista consequentia non valet '*a* videt *b*; igitur *a* videt'. Tamen hic arguitur pro ista[m] regula[m] quia consequentia non valet.¹⁰⁵ Arguitur sic posito quod *b* videat *a* et sit *a* non videns. Tunc arguitur sic: Istam rem videt *b*; et illa res est *a*; igitur *a* videt *b*. Similiter illam rem videt *b*; et illa res est aliquid quod <est> *a*; igitur illam rem quae est *a* videt *b*. Et ulterius probatur quod illa sit vera (f. 42rb) '*a* videt *b*' in casu isto quia si *a* sentitur¹⁰⁶ in an-

¹⁰⁴ affirmative in marg.

¹⁰⁵ The sentence appears to be corrupt. Perhaps the sense is roughly, 'The failure of the consequence is not an argument against the rule, but rather an argument in favor of the rule'. But this reading is scarcely supported by the argument in the remainder of the paragraph. Perhaps the sentence should read 'Tamen hic arguitur per istam regulam; igitur consequentia non valet'. The 'consequentia' referred to here would then be the one 'a tertio adjacente ad secundum adjacens' mentioned in the rule.

¹⁰⁶ Reading uncertain.

tecedente casu tunc idem est dicere '*a videt b*' et dicere 'Illam rem quae est *a videt b*'. Patet igitur quod illa propositio est vera '*a videt b*' et hoc consequens falsum 'Igitur *a videt*'.

(56) Similiter ista conclusio est [im]possibilis¹⁰⁷ 'Hoc animal rationale videt *a* et nullum animal rationale videt' quia sit *a* unum animal irrationale quod videt animal rationale et posito quod nullum animal rationale videat. Tunc utraque pars conclusionis patet; igitur ista consequentia non valet 'Aliquod animal rationale videt *a*; igitur animal rationale videt'.

(57) Pro isto dicendum quod in affirmativis tenet regula dicta nec procedunt aliqua argumenta contra regulam positam. Et dicendum quod ista consequentia non valet '*a videt b*; ergo *a videt*'. Immo sequitur '*a videt b*; igitur *a videt* vel *a est*'. Similiter ista consequentia est bona 'Aliquod animal rationale videt *a*; igitur aliquod animal rationale est'.

(58) Similiter arguitur sic '*a videt b*; igitur *a* est videns *b*' quia omnia verba debent resolvi in hoc verbum 'est' et in participium ejusdem temporis. Et sequitur ultra '*a est videns*; igitur *a videt*'.

(59) Pro solutione dicitur quod ista propositio est vera 'Illam rem videt *b*' et tamen non oportet quod resolvetur in hoc verbum 'est' et in participium ejusdem temporis quia non debet sic resolvi 'Illam rem est videntem *b*' nec sic 'Illam rem est videns *b*'. Immo sufficit quod sic resolvitur '*a videt b*; igitur *a* est videns *b* vel *b* est videns *a*'. Similiter sequitur 'Illam rem videt *b*; igitur *b* videt illam rem'.

(60) Aliter¹⁰⁸ probatur quod regula praedicta non valet, scilicet, a tercio adjacente et cetera, quia ista consequentia non valet 'Solutus Sortes videt *a*; ergo solus Sortes videt'. Non¹⁰⁹ sequitur 'Solutus Sortes videt *a*; igitur solus Sortes est'. Dicitur¹¹⁰ quod regula praedicta est vera et dicitur quod talis consequentia non valet 'Solutus Sortes videt *a*; ergo solus Sortes videt' nec 'solus Sortes est'. Immo secundum adjacens est hoc 'Sortes est'. Unde sequitur 'Solutus Sortes videt; igitur Sortes est'.

(61) Alia regula¹¹¹ est: A praedicato finito sequitur affirmativa de praedicato infinito¹¹² et hoc posita constantia alterius extremi sic

¹⁰⁷ The argument in the remainder of the paragraph is a proof of the possibility, not of the impossibility, of the conclusion. Hence the emendation.

¹⁰⁸ Marg. Aliter (uncertain)

¹⁰⁹ 'Nec' would have made a smoother reading.

¹¹⁰ Marg. Contra

¹¹¹ Marg. Regula

¹¹² The sense of the paragraph seems to demand 'A <negativo de> praedicato finito' etc. Cf. the examples below. But par. 63 cites the rule as it stands.

arguendo 'Aliquis homo est; et nihil quod est homo est asinus; igitur quilibet homo est non asinus' vel sic arguendo 'Homo est; homo non est asinus; igitur homo est non asinus'. Non tamen sic 'Homo non est'¹¹³ asinus; igitur homo est non asinus' quia antecedens est negativum et consequens affirmativum et ex negativo non sequitur affirmativum.¹¹⁴ Sed sic arguendo 'Tu es; et tu non es ille asinus; igitur tu es non'¹¹⁵ ille asinus' demonstrando te. Similiter sic arguendo 'Tu es; et ille asinus est; et tu non es ille asinus; igitur tu es non ille asinus'.

(62) Alia regula est ista: Ab affirmativa de praedicato infinito sequitur negativa de praedicato finito: 'Tu es non homo; igitur tu non es homo'. Sed ista consequentia non valet 'Tu vides non hominem; igitur tu non vides hominem'. Immo cum tali verbo 'est' tenet consequentia sicut sequitur 'Tu es non asinus; igitur tu non es asinus'.

(63) Arguitur¹¹⁶ tamen contra istam regulam 'De praedicato finito' et cetera¹¹⁷ quia non sequitur 'Tu non es homo et non aliud quam asinus; et tu es; igitur tu es non homo et non aliud quam asinus' quia antecedens est verum, scilicet, ista propositio est vera 'Tu non es homo et non aliud quam asinus' quia singularis negativa non implicat¹¹⁸ et consequens est falsum, videlicet, quod tu es non homo et non aliud quam asinus quia sequitur 'Tu es non homo et non aliud quam asinus; igitur tu es non homo [et non aliud quam asinus]'.¹¹⁹

(64) Similiter posito quod tu sis major Sorte et minor Platone tunc ista consequentia non valet 'Tu es; et tu non es major Sorte et non minor Platone; ergo es non major Sorte et non minor Platone' quia antecedens est verum, videlicet, ista propositio est vera 'Tu es'. Similiter ista propositio est vera in casu illo 'Tu non es major Sorte et non minor Platone' quia oppositum istius est simpliciter falsa, scilicet, 'Tu es major Sorte et non minor Platone'. Et consequens falsum, videlicet, 'Tu es non major Sorte et non minor Platone' quia tu es major Sorte et minor Platone per casum.

(65) Similiter non sequitur 'Tu es; et tu non es album lignum; igitur tu es non album lignum' quia antecedens est verum et consequens

¹¹³ non est: est non MS. The emendation is required by the force of the example. Cf. also n. 115.

¹¹⁴ Cf. par. 25.

¹¹⁵ es non: non es MS. Cf. n. 113.

¹¹⁶ *Marg.* Argumentum

¹¹⁷ This is the rule in par. 61, not the rule just given in par. 62. But cf. par. 68.

¹¹⁸ Cf. par. 25.

¹¹⁹ For the emendation, cf. par. 66.

falsum secundum quosdam quia istae convertuntur 'Tu es non album lignum' et 'Tu es lignum non album'. Sed ista est falsa 'Tu es lignum non album' quia implicat quod tu es lignum et non album. Patet igitur quod regula praedicta est falsa.

(66) Dicendum¹²⁰ est quod regula praedicta est vera et satis bene posset concedi praedicta consequentia et 'Tu es' et 'Tu non es homo et non aliud quam asinus'. Et tunc non sequitur ultra 'Tu es non homo et non aliud quam asinus; igitur tu es non homo'. Nec sequitur 'Tu es non aliud quam asinus'. Et dicitur quod consequentia ista potest concedi.¹²¹

(67) Similiter 'Tu es' et tu non es major Sorte et non minor Platone; igitur tu es non major Sorte et non minor Platone'. Et non sequitur 'Tu es major Sorte et [non] minor Platone; igitur non sic est quod tu es non major Sorte et non minor Platone'.¹²²

(68) Dicendum est similiter quod talis consequentia potest concedi 'Tu es non album lignum'. Non implicat quod tu sis lignum. Immo ista 'Tu es lignum non album'.¹²³ Et sic solvuntur ista circa argumenta praedicta contra praedictam regulam: Ab affirmativa de praedicato infinito sequitur negativa de praedicato finito.¹²⁴ Sunt hic quaedam solubilia quae hic dimitto. Sufficiunt hic praedicta.

DE EXCLUSIVIS¹²⁵

(69) Sequitur de regulis exclusivarum, quarum prima est ista: Quaelibet exclusiva duas habet exponentes ut ista 'Tantum homo currit' habet istas exponentes 'Homo currit' et 'Nihil aliud ab homine currit'. Et sunt dictiones exclusivae tales 'tantum' 'solus' 'praecise', et si quae, eis similis. (f. 42va) Et dicuntur exponentes quia per illas¹²⁶ exponitur exclusiva.

(70) Unde ista est possibilis 'Tantum homo currit' quia utraque ejus exponens est possibilis. Sed ista propositio est impossibilis 'Tantum homo movetur' quia ad hoc quod homo movetur requiritur quod pars ejus moveatur. Unde quaelibet exclusiva est impossibilis cujus ex-

¹²⁰ *Marg.* Solutio

¹²¹ This paragraph is a reply to par. 63.

¹²² A reply to par. 64.

¹²³ Understand 'implicat quod tu sis lignum'. This is a reply to par. 65.

¹²⁴ This is the rule given in par. 62. But the argument concerned the rule in par. 61.

¹²⁵ *Marg.* De exclusivis

¹²⁶ Final 's' unclear in MS.

ponentes repugna<n>t vel altera ejus pars est impossibilis.¹²⁷ Unde ista exclusiva est impossibilis 'Tantum homo movetur' quia sua exponentes repugnant 'Homo movetur' et 'Nihil aliud ab homine movetur'.

(71) Alia regula¹²⁸ est ista: Ab exclusiva ad ejus exponentes est consequentia bona et e contra. Unde ista consequentia est bona 'Tantum homo currit; igitur homo currit et nihil aliud ab homine currit' et e contra. Ad hoc quod exclusiva sit vera requiritur quod haec sit vera 'Homo currit' et similiter 'Nihil aliud ab homine currit'.

(72) Alia regula¹²⁹ est ista: Ab exclusiva de terminis transpositis ad universale et rectis est consequentia bona et e contra. Unde ista consequentia est bona 'Tantum homo currit; igitur omne currens est homo' et e contra. Et sunt termini transpositi quando consimiles termini sunt praedicata¹³⁰ universalis quales subjecta exclusivae fuerunt. Unde ille terminus 'homo' est subjectum istius propositionis 'Tantum homo currit' et praedicatum illius propositionis 'Omne currens est homo' terminus eidem est¹³¹ similis.

(73) Alia regula¹³² est: Ab exclusiva ad suum praejacens est consequentia bona. Unde ista consequentia est bona 'Tantum homo currit; igitur homo currit'. Et est praejacens exclusivae sua affirmativa exponens.

(74) Alia regula¹³³ est: Quando talis terminus 'tantum' vel 'solus' praeponitur subjecto alicujus propositionis tunc removet praedicatum a quocumque alio a subjecto. Unde istius 'Tantum homo currit' si sit vera removetur praedicatum a quocumque alio a subjecto virtute dictionis exclusivae quia de nullo dicitur iste terminus 'currens' nisi de homine si praedicta exclusiva sit vera impositione deducta.

(75) Et si addatur dictio exclusiva a parte praedicati tunc non est exclusiva.¹³⁴ Unde idem est dicere 'Homo currit' et 'Homo tantum currit'.

(76) Alia regula¹³⁵ est quod quando dictio exclusiva additur toto

¹²⁷ On a somewhat similar point, cf. Richard Lavenham, *Exceptivae*, pars. 7-8, in Paul Vincent Spade, 'Five Logical Tracts by Richard Lavenham' in *Essays in Honour of Anton Charles Pegis*, ed. J. Reginald O'Donnell (Toronto, 1974), pp. 70-124 at 117-118.

¹²⁸ Marg. Regula

¹²⁹ Marg. Regula

¹³⁰ Termination unclear in MS.

¹³¹ Reading highly uncertain. Perhaps a partial erasure in MS.

¹³² Marg. Regula

¹³³ Marg. Regula

¹³⁴ Cf. Richard Lavenham, *Tractatus exclusivarum*, par. 1, in Spade, 'Five Logical Tracts', 112.

¹³⁵ Marg. Regula

numerali illa propositio est distinguenda gratia alietatis vel pluralitatis.¹³⁶ Unde posito quod quinque homines sint hic intus gratia pluralitatis sic exponitur 'Tantum quinque homines sunt hic intus et non plures homines quam quinque homines sunt hic intus'. Gratia alietatis debet sic exponi 'Tantum quinque homines sunt hic intus et nulli alii quam quinque' et hoc est falsum cum duo homines sunt hic intus si quinque homines sunt hic intus.¹³⁷

(77) Alia regula¹³⁸ est: A propositione habente plures causas veritatis ad unam illarum est fallacia consequentis.¹³⁹ Verbi gratia 'Non tantum homo currit' est una propositio habens plures causas veritatis, scilicet, illas 'Nihil quod est homo currit' vel 'Aliud ab homine currit'. Et dicuntur causae veritatis respectu istius exclusivae quia veritas exclusivae dependet ex veritate alicujus illarum. Unde si una illarum sit vera vel ita sit sicut ipsa significat 'Nihil quod est homo currit' tunc ita est sicut illa significat 'Non tantum homo currit'. Unde ista est consequentia bona 'Nihil quod est homo currit; igitur non tantum homo'. Sed ista consequentia non valet 'Non tantum homo currit; igitur aliud ab homine currit' quia stat quod nihil currit. Similiter ista consequentia non valet 'Non tantum homo currit; igitur nihil quod est homo currit' quia stat quod homo et asinus currant. Unde licet ista propositio 'Non tantum homo currit' habet duas causas veritatis non tamen requiritur ad hoc quod illa sit vera quod haec sit vera 'Nihil quod est homo currit' quia non sequitur 'Non tantum homo currit; igitur nihil quod est homo currit'. Unde ista propositio verificatur indifferenter pro illa 'Nihil quod est homo currit' vel pro illa 'Aliud ab homine currit'.

(78) Unde¹⁴⁰ arguendo a propositione habente plures causas veritatis ad unam disjunctivam factam ex eis est consequentia bona. Unde est bona consequentia 'Non tantum homo currit; igitur aliud ab homine currit vel nihil quod est homo currit' et e contra.

(79) Similiter¹⁴¹ cujuslibet exclusivae oppositum est una propositio habens plures causas veritatis.

(80) Arguitur¹⁴² tamen contra regulam praedictam, scilicet, a propo-

¹³⁶ Cf. Lavenham, *Tractatus exclusivarum*, par. 9, in Spade, 'Five Logical Tracts', 114.

¹³⁷ Gratia alietatis ... intus in marg.

¹³⁸ Marg. Regula

¹³⁹ On 'causes of truth', cf. Lavenham, *Consequentiae*, par. 31, in Spade, 'Five Logical Tracts', 106.

¹⁴⁰ Marg. Nota

¹⁴¹ Marg. Regula

¹⁴² Marg. Objectio

sitione habente plures causas veritatis et cetera,¹⁴³ quia ista consequentia bona est 'Non tantum homo est risibile; igitur nihil quod est homo est risibile [et nihil quod est homo est risibile]'.¹⁴⁴

(81) Pro isto argumento dicitur quod quando propositio habens plures causas veritatis convertitur cum una [consequentia] illarum.¹⁴⁴ Unde ista¹⁴⁵ convertuntur 'Homo est risibile' et 'Tantum homo est risibile' et e contra. Et sic eorum opposita convertuntur et ita ista convertuntur 'Non tantum homo est risibile' et 'Nihil quod est homo est risibile'. Et ista de causa talis consequentia valet 'Non tantum homo est risibile; igitur nihil quod est homo est risibile'.

(82) Argumentum¹⁴⁶ etiam contra aliam regulam praedictam, scilicet, quando propositio exclusiva est vera et hoc affirmativa praedicatum removetur a quocumque alio a subjecto,¹⁴⁷ quia ista est possibilis 'Tantum Sortes et Plato currunt et alii quam Sortes et Plato currunt' et similiter 'Tantum omnis homo currit et aliud quam omnis homo currit'.¹⁴⁸ Quod¹⁴⁹ praedicta conclusio sit vera arguitur sic: Posito quod Sortes et Plato currunt et non plures tunc Sortes et Plato currunt et non plures, per casum, et alii quam Sortes et Plato currunt quia alii quam Sortes et Plato currunt; ergo alii quam Sortes et Plato currunt.¹⁵⁰ Dicitur arguitur sic: Alii a Sorte et Platone currunt; et quicumque sunt alii a Sorte et Platone sunt alii quam Sortes et Plato; ergo alii quam Sortes et Plato currunt. Et sic probatur praedicta conclusio.

(83) Aliter¹⁵¹ probatur eadem conclusio sic: Isti et Plato currunt; et isti sunt alii quam Sortes; igitur alii quam Sortes et Plato currunt.¹⁵²

(84) Secunda conclusio probatur sic: Ponitur quod omnis homo currat et nihil aliud ab omni homine currat. Tunc tantum omnis homo currit quia nullum aliud animal currit nisi omnis homo; ergo tantum omnis homo currit et aliud quam omnis homo currit quia Plato currit

¹⁴³ Cf. par. 77.

¹⁴⁴ The sentence is incomplete. For sense, add 'tunc a propositione habente illas causas veritatis ad illam cum qua convertitur valet consequentia'.

¹⁴⁵ MS. adds an illegible abbreviation.

¹⁴⁶ Marg. Objectio

¹⁴⁷ Cf. par. 74.

¹⁴⁸ Cf. Lavenham, *Tractatus exclusivarum*, par. 6, in Spade, 'Five Logical Tracts', 113. There Lavenham says that for any sentence of the form 'Only every A is a B', if A stands for several items, the sentence is false.

¹⁴⁹ Marg. Nota

¹⁵⁰ This seems corrupt. Cf. Spade, 'Five Logical Tracts', 113, for an explanation. For example, Socrates runs and Socrates is other than Socrates and Plato. Cf. also par. 84.

¹⁵¹ Marg. Argumentum

¹⁵² This argument too seems corrupt. Cf. par. 85.

et Plato est aliud quam omnis homo; ergo aliud ab omni homine currit. Et sic probatur secunda conclusio.

(85) Pro isto argumento dicitur quod praedicta conclusio est possibilis. Unde ista propositio 'Tantum Sortes et Plato currunt' habet aliam causam <quam> praedictam, scilicet, 'Non plures homines quam Sortes et Plato currunt'. Unde si concedatur conclusio tali modo primo, oportet taliter respondere ad argumenta contra regulam. Si negatur conclusio alio modo, potest (f. 42vb) responderi negando consequentiam et negando illam. Consimiliter tales priores 'Alii quam Sortes currunt'¹⁵³ et Plato currit; igitur alii quam Sortes et Plato currunt'.¹⁵⁴ Prima tamen responsio ejusdem conclusionis teneri potest.

(86) Dicitur similiter secundum quosdam¹⁵⁵ quod secunda conclusio est impossibilis. Unde ista categorica propositio 'Tantum omnis homo currit' exponitur duobus modis. Primo sic 'Omnis homo currit et nullum animal aliud ab homine currit' et sic exponendo illa propositio est vera in casu licet viginti homines currunt. Alio modo exponitur sic 'Omnis homo currit et nihil aliud quam omnis homo currit'. In tali casu illa propositio est falsa dum plures currunt. Et sic non proceditur conclusio contra regulam dictam.

(87) Sequitur de regulis exceptivarum dictionum. Dictiones exceptivae sunt tales 'praeter' et 'praeterquam' et 'nisi' et consimiles.

(88) Ulterius notandum de dictione exceptiva quod quaedam exceptiva propria et quaedam impropria. Exceptiva propria est quando nota 'praeter' additur propositioni universali [negativae].¹⁵⁶ Exemplum: Ista exceptiva¹⁵⁷ est propria 'Omnis homo praeter Sortem currit'. Et illa est propria 'Nullus homo nisi Sortes currit'. Sed si talis nota 'praeter' additur propositioni particulari ista exceptiva impropria est — sive talis nota 'nisi' addatur propositioni negativae particulari et similiter est impropria. Unde talis est impropria 'Aliquis homo nisi Sortes non currit' et haec similiter 'Aliquis homo praeter Sortem currit'.¹⁵⁸ Unde numquam est exceptiva propria nisi fuerit exceptio a tota in quantitate affirmativa vel negativa.

(89) Alia regula¹⁵⁹ est quod quaelibet¹⁶⁰ propositio exceptiva et suum

¹⁵³ currit MS.

¹⁵⁴ This seems to be directed to par. 83. The idea is to deny that the argument there holds.

¹⁵⁵ Termination unclear in MS.

¹⁵⁶ The deletion is required by the examples.

¹⁵⁷ exclusiva MS.

¹⁵⁸ Cf. Lavenham, *Exceptivae*, par. 3, in Spade, 'Five Logical Tracts', 115-116.

¹⁵⁹ *Marg.* Regula

¹⁶⁰ quodlibet MS.

praejacens¹⁶¹ repugnant, ut 'Omnis homo praeter Sortem currit' repugnat huic 'Omnis homo currit' quia per illam 'Omnis homo praeter Sortem currit' denotatur quod Sortes sit homo et quod Sortes non currit et quod omne quod est homo aliud a Sorte currit. Nunc ista repugnant 'Omne quod est homo currit' 'Sortes est homo' et 'Sortes non currit'. Unde ista repugnant. Unde posito quod omnis homo currit et quod Sortes non sit homo tunc ista exceptiva est falsa 'Omnis homo praeter Sortem currit' et ista est vera 'Omnis homo currit'.

(90) Et¹⁶² si praejacens alicujus exceptivae sit verum exceptiva cujus est praejacens est falsa. Et praejacens et exceptiva aliquando sunt simul falsa, sed numquam simul vera. Et ista regula est vera de exceptiva affirmativa et praejacente illius et non est vera de exceptiva negativa. Unde ista non repugnant 'Nullus homo praeter te est asinus' et 'Nullus homo est asinus' quia ista est vera 'Nullus homo est asinus'. Et quod haec sit vera 'Nullus homo praeter te est asinus' arguitur sic, quia si hoc foret falsa 'Nullus homo praeter te est asinus', ex quo est propositio universalis negativa sequitur quod suum oppositum erit affirmativum verum quia negativum non contradicit negationi.

(91) Praeterea cujuslibet propositionis negativae contradictoria erit affirmativa propositio et cujuslibet propositionis affirmativae e contrario. Et taliter intellegitur ista regula¹⁶³ 'Quicquid contingit de affirmare contingit de negare'.

(92) Patet igitur, oppositum illius 'Nullus homo praeter <te> est asinus' est propositio affirmativa. Sed [quod] quacumque data illa est falsa. Nam illa non est vera 'Aliquis homo praeter te est asinus' nec illa 'Aliquis homo alius a te est asinus' quia illa implicat quod aliquis homo est asinus quod est impossibile. Et ideo potest dici sicut dictum est quod illa intellegitur de exceptiva affirmativa et non de exceptiva negativa. Unde satis bene patet quod illa propositio 'Nullus homo praeter te est asinus' est vera et non implicat quod tu es asinus.

(93) Unde potest sic dici quod illa 'Nullus homo praeter te est asinus' non natum est habere contradictorium. Hoc apparet magnum inconveniens et contra regulam aliam 'Quicquid contingit de affirmare contingit de negare'. Vel sic debet dici quod negativum contradicit negativo quod non est verum deducta impositione.

(94) Praejacens exceptivae est quod remanet dempta nota exceptionis

¹⁶¹ Cf. par. 94.

¹⁶² *Marg.* Regula

¹⁶³ *Marg.* Regula

sive parta extracapta. Unde praejacens illius 'Omnis homo praeter Sortem currit' est illa 'Omnis homo currit'. Nota exceptionis est ille terminus 'praeter' vel 'nisi' sicut dictum est. Pars extracapta est illud quod excipitur per dictionem exceptivam.¹⁶⁴

(95) Alia regula¹⁶⁵ est quod subjectum in exceptiva propria stat confuse tantum respectu exceptionis quia non contingit descendere ad sua supposita cum dictione exceptiva. Verbi gratia, non contingit sic descendere sub subjecto illius propositionis 'Omnis homo praeter Sortem currit': 'Plato praeter Sortem currit, Cicero praeter Sortem currit' nec sic 'Ille homo praeter Sortem currit, et ille' et sic de singulis. Sed sine dictione exceptiva contingit descendere 'Omnis homo praeter Sortem currit; ille homo alius a Sorte currit' et sic de aliis.¹⁶⁶

(96) Alia regula¹⁶⁷ est: Quicquid <im>mobilitatem [im]mobilitat immobilitat mobilitatem. Verbi gratia, ista negatio 'non' [im]mobilitat immobilitatem.¹⁶⁸ Si praeponatur subjecto alicujus propositionis particularis, hoc facit terminum stare confuse et distributive qui prius stetit immobiliter, hoc est, confuse tantum. Sed si illa negatio 'non' praeponitur subjecto propositionis universalis, immobilitat mobilitatem, hoc est, facit terminum stare immobiliter, hoc est, confuse tantum, qui prius stetit mobiliter, id est, confuse et distributive. Unde subjectum propositionis universalis [ubi] stat mobiliter, hoc est, confuse et distributive, subjectum vero particularis stat immobiliter, hoc est, confuse tantum.

(97) Alia regula¹⁶⁹ est: Omnes isti termini convertuntur 'differt' 'aliud' et 'non idem' et habent vim confundendi terminum communem sive discretum confuse et distributive immediate sequentem.¹⁷⁰ Verbi gratia, sequitur 'Tu differs ab homine; et ille homo est; igitur tu differs ab illo homine' et sic de aliis. Similiter 'Tu es aliud ab [illo] homine; et ille homo est; igitur tu es aliud ab illo homine'. Similiter sequitur 'Tu

¹⁶⁴ Cf. Lavenham, *Exceptivae*, par. 4, in Spade, 'Five Logical Tracts', 116.

¹⁶⁵ *Marg. Regula*

¹⁶⁶ Par. 41 says that this is not a formal consequence except with the addition of a middle premiss.

¹⁶⁷ *Marg. Regula*

¹⁶⁸ The MS. text makes the first sentence a mere tautology. The emendations are required by the examples. The point is that whatever can change merely confused supposition to confused and distributive supposition can also change confused and distributive supposition to merely confused supposition.

¹⁶⁹ *Marg. Regula*

¹⁷⁰ Contrast par. 98 and Lavenham's view, discussed in the introduction to Spade, 'Five Logical Tracts', 86.

es non idem homini; et ille homo est; igitur tu es non idem illi homini'. Similiter sequitur 'Tu es non idem Sorti; et ille Sortes est; (f. 43ra) igitur tu non es idem isti Sorti'.

(98) Et tales termini non confundunt terminum praecedentem sicut posterius dicetur.¹⁷¹ Et sciendum quod nulla talis consequentia valet 'Tu differs ab omni homine; igitur ab omni homine differs' quia ista 'Tu differs ab omni homine' significat quod tu non es idem omni homini et haec est vera dum plures homines sunt.¹⁷² Sed haec est falsa 'Ab omni homine tu differs' quia illa est una propositio universalis et ex illa cum uno vero sequitur falsum. Sequitur enim 'Ab omni homine tu differs; tu es homo; ergo a te differs'.

(99) Similiter¹⁷³ talis forma non valet 'Homo differt ab aliquo homine; igitur homo non est homo'. Immo sequitur quod homo est aliquis homo. Et etiam non sequitur 'Homo est aliquis homo; igitur homo non est homo' nec sequitur 'Homo non est aliquis homo; igitur homo non est homo' quia masculus differt ab aliquo homine et masculus est homo et mulier differt ab aliquo homine sed mulier est homo.¹⁷⁴

(100) Similiter tales consequentiae non valent 'Tu differs ab illo homine; igitur differs ab aliquo homine' 'Tu non es ille homo; igitur tu non es homo'. Unde ab inferiori ad superius cum negatione vel cum dictione habente vim negationis non valet consequentia et hoc si negatio vel dictio habens vim negationis praecedat terminum superiorem vel inferiorem sicut patet hic 'Tu non es ille; igitur tu non es homo'.

(101) A¹⁷⁵ superiori tamen ad inferius tenet consequentia cum negatione vel cum dictione habente vim negationis. Unde sequitur 'Tu non es homo; igitur tu non es ille homo'. Similiter sequitur 'Tu differs ab aliquo homine; et ille homo est; igitur tu differs ab illo homine'.¹⁷⁶

¹⁷¹ Cf. par. 102.

¹⁷² This seems to violate par. 97. For according to par. 97, 'homine' has confused and distributive supposition. Hence one can descend to 'Tu non es idem isti homini et tu non es idem illi homini', and so on for all men, including you. Cf. Lavenham, *Consequentiae*, par. 39, in Spade, 'Five Logical Tracts', 109-110, where he says that 'differ' is like the comparative and superlative degrees of adjectives insofar as it gives the following term confused and distributive supposition — provided that the term has no universal quantifier. If it does have a universal quantifier, 'differ' causes the term to have determinate or merely confused supposition.

¹⁷³ *Marg. Regula*

¹⁷⁴ The difference of gender here is only by way of example. Contrast par. 15.

¹⁷⁵ *Marg. Regula*

¹⁷⁶ Note that there is no universal quantifier governing 'homine'. Cf. par. 98 and n. 171 there.

Unde iste terminus 'ille homo' est inferius ad istum terminum 'homo'. Unde sequitur 'Iste homo est; igitur homo est' et non e contra formaliter.

(102) Ulterius¹⁷⁷ notandum quod nulla negatio nec dictio habens vim negationis confundit terminum praecedentem sed subsequentem. Verbi gratia, ista negatio 'non' confundit hic terminum subsequentem 'Sortes non est aliquis homo' quia sequitur 'Sortes non est aliquis homo; igitur Sortes non est ille homo'. Similiter sequitur 'Sortes differt ab aliquo homine; et iste homo est; igitur Sortes differt ab isto homine'.

(103) Unde posito quod Sortes sit homo haec est falsa 'Sortes differt ab aliquo homine' et ista est vera 'Ab aliquo homine differt Sortes'. Et hoc patet quia ista sunt contradictoria 'Ab aliquo homine differt Sortes' et 'A nullo homine differt Sortes'. Sed haec est falsa 'A nullo homine differt Sortes; Plato est aliquis homo; igitur a Platone Sortes non differt'. Consequens est falsum posito quod Plato sit alius homo quam Sortes. Patet igitur quod illa propositio sit vera 'Ab aliquo homine Sortes differt' quod non foret verum si 'differt' confunderet terminum praecedentem. Eodem modo est de illis 'non idem' et 'aliud'.

(104) Exemplum de negatione: Ista sunt contradictoria 'Aliquis homo non est Sortes' et 'Quilibet homo est Sortes'; sed haec est falsa 'Quilibet homo est Sortes'; igitur haec est vera 'Aliquis homo non est Sortes'. Et sic negatio non confundit terminum praecedentem.

(105) Unde notandum est quod ista negatio non semper confundit terminum subsequentem, nec ly 'differt'. Exemplum primi 'Non aliquis homo non est Sortes'. Negatio non confundit terminum subsequentem quia ista est una affirmativa et aequipollet huic 'Omnis homo est Sortes'.

(106) Exemplum de 'differt': Ista propositio est vera 'Tu non differs ab homine' et ly 'differt' non confundit terminum quia impeditur propter negationem immediate praecedentem.

(107) Aliud exemplum de negatione: 'Nonnullus homo currit' quia ista negatio non negat, quia ista 'Nonnullus homo currit' aequipollet huic affirmativae 'Aliquis homo currit'.

(108) Similiter talis consequentia non valet 'Tu es; et tu non es ille asinus demonstrando te; igitur tu differs ab illo asino'. Non valet, immo requiritur constantia utriusque extremi, scilicet, quod tam subjectum quam praedicatum significet aliqua. Vel ideo sic debet argui 'Tu es; et ille asinus est; et tu non es ille asinus; igitur tu differs ab illo asino'. Sed ista propositio est falsa 'Iste asinus est' demonstrando te.

¹⁷⁷ *Marg. Regula*

(109) Sed¹⁷⁸ arguitur contra. Unde prius dictum est quod 'differt' et 'non idem' convertuntur.¹⁷⁹ Quod illud non sit verum arguitur sic, quia posito quod nihil sit Plato tunc de quolibet ente dicitur alterum contradictorum incomplexorum; sed ista contradictoria sunt incomplexa 'idem Platoni' et 'non idem Platoni'; sed haec est vera¹⁸⁰ 'Tu non es idem Platoni'; igitur haec est vera 'Tu es non idem Platoni' et haec est falsa 'Tu differs a Platone' quod est contra regulam datam¹⁸¹ quia nihil est Plato.

(110) Pro¹⁸² isto dicitur quod talis terminus 'differt' et 'non idem' convertuntur et sic dicitur quod illa propositio 'Tu es non idem Platoni' est vera in uno sensu sic 'Tu non es idem Platoni'. Et tunc sumitur ista negatio negative. Alio modo sumitur illa negatio infinite et ista est falsa. Et ista solebat esse antiqua responsio. Et sufficit responsio illa ad praesens.

(111) Unde illa responsio, negare illam regulam 'De quolibet ente dicitur alterum contradictorum', non videtur multum valere quia ex illa responsione sequitur quod talis conclusio est possibilis 'Tu es et nec tu es currens nec tu es non currens' quia qua ratione et in quo casu illa conclusio est possibilis 'Tu es et nec tu es idem Platoni et nec tu es non idem Platoni' eadem ratione et consimili casu est alia conclusio possibilis.

(112) Tertio¹⁸³ arguitur contra unum dictum modo vulgari¹⁸⁴ 'Ad hoc quod aliqua talis sit vera "Tu differs a Sorte" requiritur constantia utriusque subjecti'¹⁸⁵ quia si sic illa conclusio est possibilis 'Tu differs a Sorte et nullus Sortes est nec aliquis est Sortes'. Quod sit possibilis quia ponitur quod nihil est Sortes. Capiatur tunc una res quae est Sortes. Tunc tu es et Sortes est et tu non es Sortes; igitur tu differs a Sorte.¹⁸⁶

(113) Pro illo dicitur quod conclusio est vera quia ista stant simul 'Tu es Sortes' et 'Tu differs ab illa re quae est Sortes'. Sed dicitur quod admissio tali casu conclusio est possibilis nec procedit contra regulam datam (f. 43rb) quia licet nullus Sortes sit illa propositio est vera 'Tu

¹⁷⁸ *Marg.* Obiectio

¹⁷⁹ Cf. par. 97.

¹⁸⁰ falsa MS. The emendation, though radical, is demanded by the argument.

¹⁸¹ Cf. par. 108.

¹⁸² *Marg.* Solutio

¹⁸³ *Marg.* Argumentum

¹⁸⁴ vulgari MS.

¹⁸⁵ Cf. par. 108.

¹⁸⁶ This argument seems unintelligible.

differs a Sorte' et ponitur constantia utriusque extremi sicut patet intuitu.

(114) Arguitur tamen contra regulam praedictam aliter modo famosiori quia hoc est possibile 'Hoc differt ab uno solo hoc et hoc est idem uni soli huic'. Unde mulier differt ab uno solo homine quia unus solus homo est et mulier et nulla mulier est unus solus homo et mulier est idem uni soli homini quia mulier est una sola homo.

(115) Dicitur¹⁸⁷ quod illud argumentum nihil procedit contra regulam datam. Unde quia mulier differt ab uno solo homine mulier non est idem uni soli masculo.

(116) Tertio¹⁸⁸ arguitur contra regulam modo leviori et magis apparenter '*a* differt ab aliquo impossibili et nullum impossibile est'. Quod haec sit vera arguitur sic: *b* sit una propositio possibilis. Sit *c* terminus in *b* propositione possibili et posito quod nullum impossibile sit. Tunc aliquid est in-possibili¹⁸⁹ quia *c* est terminus *b* in propositione possibili tamquam pars in suo toto. Et tu es; et tu non es aliquid in-possibili nec aliquod impossibile; igitur tu differs ab aliquo impossibili. Consequentia patet per simile 'Aliquis est in domo; et tu es; et tu non es aliquid in domo; igitur tu differs ab <aliquo>¹⁹⁰ in domo'. Patet ergo veritas illius propositionis 'Hoc differt ab aliquo impossibili' demonstrando te, et illa propositio est vera per casum 'Nullum impossibile est'.

(117) Pro¹⁹¹ isto dicitur quod ista consequentia non valet 'Hoc differt ab aliquo impossibili; igitur hoc differt ab impossibili' quia ista stant simul 'Hoc differt ab aliquo impossibili' et 'Hoc est possibile'. Sed admissio casu priori dicitur quod conclusio est possibilis nec procedit contra regulam quia si differt ab aliquo impossibili sufficit quod aliquid sit in-possibili vel aliquod sit impossibile.

Expliciunt Consequentiae Roberti Fland.

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¹⁸⁷ *Marg.* Solutio

¹⁸⁸ *Marg.* Argumentum

¹⁸⁹ The argument plays on a spurious etymology of 'impossible' as 'in' plus 'possible'.

¹⁹⁰ This emendation is required if the consequence is really to be 'per simile'.

¹⁹¹ *Marg.* Solutio

‘OUR MASTER MARINER, OUR SOVEREIGN LORD’: A CONTEMPORARY PREACHER’S VIEW OF KING HENRY V

Roy M. Haines

BODLEY MS. 649 comprises a fifteenth-century collection of sermons, described in an addition to the 1602 catalogue of the Bodleian Library as ‘Jo. Swetstock sermones anglico-lat. MS in 4^{to}’.¹ In fact, John Swetstock, whose name can be read in abbreviated form on fol. 48 of the manuscript,² seems to have been merely the scribe.

The manuscript is in the same hand throughout and may have been copied out during the second quarter of the century — certainly after 1421. The composition of the earlier sermons, as will be shown, predates the death of Henry V, so if the copyist was at work after that time, he made no effort to remove what were by then obvious anachronisms.

The first twenty-five sermons,³ which are clearly homogeneous, address themselves principally to the secular clergy. They occupy 133 folios, after which comes a blank folio with a break in the Arabic numeration.⁴ Their author identifies himself with the *possessionati*,

¹ Bodleian Library, MS. Rawlinson Q. e. 31, fol. 117v. Cf. G. W. Wheeler, *The Earliest Catalogues of the Bodleian Library* (Oxford, 1928), chap. 1. The sermons are indeed in macaronic form — part Latin, part English. In the following edited transcript capitals and punctuation, somewhat rare in the MS., have been supplied.

² In the explicit *q<uod> Jo<hannes> S<wetstock>*. According to the Bodleian Library summary catalogue the name could at one time be read on fol. 8, but this is no longer the case. A fuller description of the MS. is given in my paper “‘Wilde Wittes and Wilfulnes’: John Swetstock’s Attack on those “Poyswunmongeres”, the Lollards”, in *Studies in Church History*, ed. G. J. Cumming and D. Baker, 8 (Cambridge, 1971), pp. 143–53. See also my ‘Church, Society and Politics in the Early Fifteenth Century as Viewed from an English Pulpit’ in volume 12 (Oxford, 1975) of the same series, pp. 143–57.

³ The second part of the MS., which does not concern us here, contains twenty-four sermons. These lack the topical allusions and social comment prevalent in the others.

⁴ In the later group of sermons the numbering runs 145–228.

defends the 'poor friars' against Lollard attack, speaks approvingly of the Benedictine contribution to Church and society, and lauds his *alma mater*, Oxford.⁵

It so happens that another collection of sermons in the Bodleian Library, MS. Laud misc. 706, duplicates four of those in Bodley MS. 649.⁶ This collection is miscellaneous and some of the sermons are wholly in English. The Laud MS. has ornamental capitals reminiscent of the ones in Bodley MS. 649 and the initial hand, which recurs from time to time, is similar to — possibly the same as — that attributed to John Swetstock. The manuscript was once in the possession of John Paunteley and a rubric tells us that he preached one of the sermons (not among the four also in Bodley MS. 649) in 1412 at the funeral of the abbot of St. Peter's, Gloucester. Paunteley was a monk of that house and a doctor of theology, almost certainly of Oxford. The date of his ordination as priest suggests that he was born about 1367, which would make him roughly fifty-five years old in 1422.⁷ He could well be the author we are looking for.

This group of twenty-five Bodley sermons, which for the most part constitutes a Lenten course, is noteworthy for outspoken comment on the social, religious and political background of the times, infused with a degree of historical perspective. The composer exudes a strongly anti-Lollard prejudice and eulogises Henry V, whom he depicts as a moral and religious leader, as well as a military one. At one time Henry figures as victor over the French abroad, at another as champion of a successful counter-attack against religious dissidents at home.⁸

Specific mention of the monarch is to be found in at least five of the sermons.⁹ The preacher, using apocalyptic imagery, likens him to the pillar of the Temple¹⁰ or to the celestial knight sent to do battle against the captain of the devil's host — in this case Wycliffe.¹¹

⁵ e.g. fols. 35, 125; 132v (see text below); 48-49.

⁶ This was brought to my attention together with some other details by Br. Patrick Horner, to whom I am most grateful. The sermons duplicated are nos. 5 (inchoate in Laud), 12, 15 and 19.

⁷ See A. B. Emden, *A Biographical Register of the University of Oxford* (Oxford, 1957-9), s.v. Paunteley, where he is mistakenly identified with his namesake, also a religious, ordained priest in 1375 (*The Register of the Diocese of Worcester during the Vacancy of the See*, ed. J. W. Willis Bund (Oxford, 1893-7), p. 341). He was ordained deacon and priest in 1392 (*Registrum Johannis Trefnant episcopi Herefordensis*, ed. W. W. Capes (London, 1916), pp. 201, 203).

⁸ e.g. fols. 35r-v, 96v, 113.

⁹ nos. 6, 15, 22, 24 and 25.

¹⁰ e.g. fols. 95v, 96v, 112v. Cf. Rev 3: 12.

¹¹ e.g. fol. 35. Cf. 2 Macc 11.

With respect to Henry V, the final sermon in the series — transcribed below — is the most interesting. Mention of the death of the duke of Clarence, the king's brother, coupled with the assumption that Henry himself was still very much alive, enables it to be dated 22 March 1421 × 31 August 1422 — or a few days later in each case to allow time for news to travel from France. The sermon, however, has every appearance of being a valedictory address. This points to its delivery shortly before Henry's final departure for France 10 June 1421.¹² It is tempting to suggest that either parliament or convocation, both of which met in the first week of May, could have provided the occasion.¹³ In that case, if Paunteley was the author, he betrays no uneasiness about the king's concurrent attempt to reform the Benedictines.¹⁴

Both the text from Ecclesiasticus and the nautical imagery were peculiarly appropriate to Henry's imminent departure and would doubtless have appealed to a monarch with a somewhat extravagant approach to shipbuilding.¹⁵

The plan of the sermon is a simple one. The allegories of the ship of state — the *copiosum regnum Anglie* — and of Ezechiel's wheel — the *rota vite* — are subsequently combined, with a slightly bizarre effect. An isolated *historia*, derived indirectly from Sextus Julius Frontinus, provides the only digression. There are no elaborate subdivisions of the theme.

The customary rubrics, delineating the component parts of the sermon, were omitted by the scribe in this case.

MS. Bodley 649. Sermon no. 25

(f. 128v) *Qui navigat mare enarrat pericula, Ecclesiastici xliii*^o.¹⁶ <Su>p-premus¹⁷ princeps celi et terre Deus qui creavit solum et mare pro socour humani generis rede us *et cetera*. *Anglice*: 'qwo saillet opoun pe see

¹² Thomas de Elmham, *Vita et gesta Henrici Quinti Anglorum Regis*, ed. T. Hearne (Oxford, 1727), p. 308; J. H. Wylie and W. T. Waugh, *The Reign of Henry V* 3 (Cambridge, 1924), p. 393.

¹³ See *Handbook of British Chronology*, ed. F. M. Powicke and E. B. Fryde, 2nd ed. (London, 1961), pp. 530, 561.

¹⁴ *Chronica monasterii Sancti Albani: Thomas Walsingham ... Historia Anglicana*, ed. H. T. Riley, R. S. 2 (London, 1864), pp. 337-8; *Chapters of the English Black Monks*, ed. W. A. Pantin, Camden 3rd ser., 47 (1933), 2.98-134.

¹⁵ E. F. Jacob, *The Fifteenth Century 1399-1485* (Oxford, 1961), p. 347.

¹⁶ Eccclus 43:26.

¹⁷ The first two letters illegible.

may oft telle of perlys'. *Vel sic*: 'ur maryner þat oftyr hat sailid þe see hath clepid us to telle us qwer perelis be'. Magnum mare quod dominus noster transivit et quod omnes nos oportet velificare est hic miserabilis et turbidus mundus qui velud mare est semper movens et instabilis, plenus tempestatibus et procellis litis, dissencionis and debates, plenus ventis et fretis laboris et tribu(f. 129)lacionis, miserie et doloris. Nunc fluit per welth divicias et prosperitatem, nunc refluit per woo siknes et adversite. In isto non est fiducia, in isto non est stabilitas; sed nunc calme, nunc stormy; nunc guerra, nunc pax; nunc honor, nunc velony; nunc helth, nunc infirmitas; nunc myrth, nunc tristicia; nunc weel, nunc woo; nunc frende, nunc foo. Alle bodile myrthes miscentur cum mestucia, omnes mundi honores sparguntur amaritudine; þe hier astate, þe grettur charge; þe hier dignite, þe more drede. In nullo statu, in nullo gradu mundiali is ful ioy quiete and rest. Qwo so hath asayed þe bitturnes huius mundi may telle of care and soroo; qwo so oftyr seilid super illud mare may wel tel of perlys. Istud periculosum et terribile mare omnes oportet transire. Nemo habet cartam sue vite, nullus potest excusari. Ex quo igitur tempus misericordie modicum durat, quilibet properet ad navem. Dum tempus durat erige in te ipso malum constantis fidei et credulitatis, tacle yt to þe schip sacre conversacionis funibus bone spei et compuncconis cordialis, wynd up þe sail perfecti amoris et caritatis, set on þe bonettes¹⁸ penitencie et elemosine, quod possitis a ful blower of grace et quod possimus þe more savelich oversaile pericula huius maris. Quilibet capiat remum devote oracionis, and let us alle row to gedir supplicando ipsi Domino cui venti et mare obediunt, quod ipse stirre ur schippe in turbido mari, salvet nos a periculis mundi, et ducat ad portum celi. In ista oracione *et cetera*: *Qui navigat mare, et cetera; ubi prius*. Duo brachia sunt magni maris mundi in quibus sepius navigatur. Primum brachium est welth and prosperite, secundum woo and adversite. Ista maria sunt adeo vicina quod ab uno in aliud sepius navigatur, ffro wele into woo, fro woo into wel,¹⁹ fro wele into more woo. Cave quomodo navigas in isto duplici mari,²⁰ potes de leni perire. In quolibet istorum marium est terribile periculum. In mari prosperitatis est ventus superbie et ambicionis. Sepe of wele and worschip oritur superbia et vanitas. In mari adversi-

¹⁸ Additional sails fastened beneath the mainsail of singlemasted vessels in moderate winds. See *Catholicon Anglicum*, ed. S. J. H. Herrtage, EETS, O.S. 75 (London, 1881), pp. xxxi, 36 n. 10.

¹⁹ This word cancelled (in error) by subpunctuation.

²⁰ After *mare* cancelled by subpunctuation.

tatis est vorago doloris et desperacionis. Sepe men fallen' in despaire pro losse of good and dignite. Si vis <navigare?> savelich in istis maribus et evadere hec pericula, oportet strike seil in primo mari (f. 129v) and cast ankur in secundo.

Tunc pro combinacione <parcium>²¹ et processu sermonis dico primo: strike sail in þe perlus see of welth and prosperite þat þi schip overturne not w^t þe wynde of pride and vanite. Cast ankur in God dum navigas mare adversitatis þat þou periche not be despair for losse of good or dignite. Qwo so hath sailed both þes sees and an biden bittur stormys, experientia docet eum to telle of many perels.

Dico primo, strike seid²² in perlous see of welth and prosperite quod tua navis non vertatur vento superbie et vanitatis. Magna navis que navigavit multis diebus in mari prosperitatis est illud copiosum regnum, regnum Anglie. Deus pro sua passione salvet illud et conservet. Antecastellum huius navis est clerus: prelati, religiosi et sacerdotes; postcastallum²³ est baronia: rex cum proceribus; corpus navis est communitas: mercatores, artifices et laborarii. Iste tres sunt necessarie partes navis, nulla potest alteri abesse.²⁴ Iste sunt necessarie cuilibet bene regulato regno secundum Plutarchum *De institutione ad Traianum*.²⁵ Þo topcastel huius navis sunt sancti quiescentes in hoc regno quorum almis meritis et precibus sepius salvamur a periculis et habemus victoriam de inimicis. Ista fuit olim pulcra navis et fortis. Erat pulcra navis. Antecastellum clerus was pavysid w^t perfeccion and helines. In þe hynde-castel þe baronie was piȝt a stondard of bodile²⁶ myȝt and hardines. Corpus navis, communitas, was ful frawt magna copia diviciarum. Quando nostra navis was ful taclid, þe þre castelles ful apparailid w^t stremores and pavys, hit was a faire vessel to loke opoun. It was a faire schippe. Fuit eciam adeo fortis quod fortissima navis of Tour' supra mare non audebat ipsam expectare. Veloces galeis Hispanie si vidissent²⁷ eam supra mare, voluerunt cepisse fugam et declinasse to abay. Fortes curyeres Scocie as fer as þai myȝt se hir super mare voluerunt a strike sail et ipsam honorasse. Omnia Christiana regna olim

²¹ Gap in MS.

²² *Rectius* seil.

²³ *Sic*.

²⁴ This allegory of the *Navis Anglie* is developed earlier in sermons 4 (fol. 22) and 16 (fols. 97 ff.).

²⁵ This is thought to be a fabrication of John of Salisbury, and comes from book 5 of his *Policraticus*. See PL 199, 540 ff. Cf. C. P. Jones, *Plutarch and Rome* (Oxford, 1971), chap. 4, esp. p. 31.

²⁶ After *bodide* cancelled by subpunctuation.

²⁷ After *vido* cancelled by subpunctuation.

timebant et honorabant Anglicos propter eorum fortitudinem, bonum regimen²⁸ et (f. 130) bonam vitam que erat inter illos. Dum nostra navis was stirid gubernaculo virtutis, navigavimus mare of welth et prosperitatis. Fortuna was oure frend. Noster crevit honor. Sed statim ut virtus cessavit et vicia ceperunt regnare fortuna mutavit vultum, noster honor cepit decrescere. Nostra navis was so feble, so litel oure emnys set of us quod þe litel fischeres bote of Walis fuit in puncto to overseile us. Þus þoroo pride and synne a prosperitate navigavimus in to wo. Mech wo and tribulacion fuit in hoc regno, for synne many mishappis mownt up inter nos, stormes of debate and dissencion pirydd up fast. Nostra navis was so hurlid and burlid inter ventos et freta quod erat in grandi periculo et sepe in puncto pereundi. Fuit in grandi periculo quando communes surrexerunt contra dominos.²⁹ Fuit eciam in grandi periculo quando domini litigabant inter se.³⁰ Fuit in grandi periculo at þe scharp schowre Salopie.³¹ Fuit eciam in grandi periculo quando lollardi rebellabant et surrexerunt contra Deum et regem to a distroyed him and holichirch.³² Nostra navis fuit in tanto periculo quod nisi noster graciosus rex set honde on þe raþer and stirid nostram navem tempestivius, nostra navis had schaplich to a go al to wreck. Qwo so hath seilid þe see and a bidde þes bittur stormys, he may savele telle our schip hath be in perlis. Fuit in periculis w^t inne, in periculis w^t out, in perles of oureselve, in perlis hostium, in periculis alti maris, in perlis portus. Navis Anglie fuit in periculis portus sicut navigium Romanorum fuit olim. Sextus Julius *De re militari* libro primo refert,³³ quod quidam bellator Romanorum semel cum suo navigio unhappilich and unwarlich intravit strictum portum qui vocabatur portus Siracusanus. Statim ut intravit cives eiecerunt magnam cathenam ultra portum et clauserunt eum infra. Iste bellator videns grande periculum in quo stetit, quod erat be trippid inter suos hostes, he sozt his wittes ful naroo to save his pepul and honorem. Et quid fecit per hy wisdom et graciā? Vocavit (f. 130v) suos milites et populum in postcastellum navis et per vim remorum et pondus populi erexit þe forstam supra cathenam. Quen þai had dryve per vim magnam partem navis ultra

²⁸ Perhaps *regnum*.

²⁹ The Peasants' Revolt (1381).

³⁰ The impeachment of Suffolk (1386) and the subsequent processes of the appellants.

³¹ Earl of Northumberland's rebellion put down at Shrewsbury (1403).

³² Fuit is preceded by a paragraph mark. The reference is to Sir John Oldcastle's rebellion (1414).

³³ *Sexti Julii Frontini viri consularis Stratematicon, liber primus*, in Flavius Vegetius, *De re militari* (Rome, 1487). The story, briefly narrated there, is embellished in the sermon rendering and doubtless came from some intermediate source.

cathenam saltaverunt in antecastellum navis, premebant þe ferstam and passid clene over. Þus þis wise werrioure per vim remorum et pondus populi caried al his navy ultra cathenam et evasit periculum portus et hostium. Domini, magna et fortis cathena que clausit nostram navem infra portum, sunt inimici nostri Franci, Normanni, Scoti et Januenses, et eorum amici, qui confederati era<n>t adinvicem et vincti contra nos sicut linkes in cathena. Ista fortis cathena was cast ante portum nostrum. Nostri hostes erant multis diebus domini maris et servaba<n>t nostros portus ita stricte quod ful pauci de nostris marinariis accidebant egredi pro mercimoniis or manhad. Istomodo navis Anglie claudebatur infra pluribus annis a tempore Edwardi ultimi ad tempus nunc regis nostri. Pauci actus bellici, pauci iournays honoris wer do opoun oure enmys. Et non mirum, quia antiqui bellatores wer almost weret out, tenera milicia non habuit usum armorum, pauci domini relictis erant þat myzt knowe and dorst be chevtteyns of an host.³⁴ Þus we stode destituti a³⁵ capitaneis et honor decrescebat donec noster graciosus rex nunc cepit super se gubernacula navis. Per suum graciosum regimen et³⁶ prudenciam nostra navis que diu claudebatur infra portum sailed out at large.

Facta³⁷ est nunc quasi navis institorum de longe portans panem prov<isam?>. Ultimo iste wise mariner and most worþi werriour riȝt as þe Romaines per vim remorum et pondus populi hath passid over þe chene. Quid sunt isti remi? Ora pro nobis letanie, processions and special prayers in missa et matutinis que fiunt pro ipso nocte et die in ecclesia.³⁸ Clerus remigavit manu et corde; cordialius nunquam orabatur pro Christiano principe quam pro ipso durante tempore guerre. Deus de sua misericordia inspiret eum sic continuare suum bonum et graciosum dominium versus ecclesiam et ita diligere and cher<i?>che (f. 131) clerum quod possint habere causam remigandi ita cordialiter pro ipso³⁹ possis.⁴⁰ Ante sine remis precum nequivit transisse cathenam hostium. Humana vis multa⁴¹ est, sed Dei gracia maior. Spiritualis armatura est forcior corporali, preces pocius quam

³⁴ A 'scarcity of captains' is remarked upon by Wylie and Waugh, *Reign of Henry V* 3.402.

³⁵ After *ar* cancelled by subpunctuation.

³⁶ After *nostra navis* cancelled by subpunctuation.

³⁷ Preceded by a paragraph mark.

³⁸ *In ecclesia* interlined.

³⁹ After *populo* cancelled by subpunctuation.

⁴⁰ This word seemingly redundant.

⁴¹ For *magna*?

lancee sunt causa sue expeditionis. Per vim istorum remorum magne carrikes of Geene lucrabantur supra mare. Per vim istorum remorum oversailid per conquestum þe faire barge Normannie. Per vim istorum remorum ad acerbum bellum de Achyncourt⁴² fere supervelificavit þe gret cogge Francie. Multis periculis noster perles prince se exposuit for rizt regni. Mani bittur stormys hath he abide, many scharp schowres sustinuit pro nostre salvacione navis, et in omnibus periculis Deus preservavit eum per virtutem illorum remorum. Sicut confidebat in precibus, sic expediebat. Sicut he hath qwyte Deo, Deus sibi retribuit. Sicut suus amor crevit erga Deum et ecclesiam, sic crevit his wele and honour. In figuram huius processus propheta Ezechiel vidit rotam magnam circumvolvi. Aspectus rote et opus erat quasi visio maris.⁴³ Infra rotam erat spiritus vite⁴⁴ et quocumque ibat spiritus sursum vel deorsum, sequebatur et rota. Ista magna rota est weele and honour regni, qui est nunc up, nunc down; nunc hye, nunc low; et circumgiratur ut rota. Super istam rotam ascendunt plurimi tam spirituales quam temporales. Gape upward ful fast. Quidam ar qwirlid up subito super illam rotam et fiunt de pore gentilmen grete astates and gret lordis. Quidam ar hurlid doun de ista rota ab altis honoribus et dignitatibus ad extremam paupertatem, sorooful care et miseriam. Non est fiducia nec mundi stabilitas in mundi gloria: mundi honor est a sliper þinge and an elvich; nunc est, nunc non est; hodie homo, cras non homo; hodie dominus, cras a lost man; hodie a dowti werroure, cras defunctus in campo. Non indigemus extraneis historiis ad probandum hoc, ne respicias Salustium nec Eutropium, Orosium, nec magnum Valerium, go no ferþer quam ad lamentabilem historiam insignis principis ducis Clarenc', cuius anime propicietur Deus.⁴⁵ Sublimiter rotabatur ipse super rotam honoris, multum honorabatur et timebatur pro sua humanitate. Salvo dumtaxat nostro principe dignissimo (f. 131v) rege reputabatur þo dowtist werriour and þo worþiest prince cristyn. Omnes Christiani reges, ut dicitur, non habuerunt meliorem militem, sed salva Dei voluntate si rota nimis cito vertebat<ur?> per ventum of wilfulnes he ware dreve fro wele in to woo, perich⁴⁶ hostium periit et

⁴² Agincourt (1415).

⁴³ Ez 1:16.

⁴⁴ Ez 1:20.

⁴⁵ The duke of Clarence, Henry V's brother, died at Baugé 22 March 1421.

⁴⁶ There is a short gap after this word. As it stands the clause does not make sense. The original may have had *periculis*.

transivit e mundo. Nemo ergo confidat in mundi honore, nemo figat nimium cor in gloria mundi, quia omnis gloria mundi est nisi vanitas,⁴⁷ ut ait Salamon, fugit velud umbra an fadis sicut flos.⁴⁸ Istam instabilitatem in mundi gloria propheta Ezechiel notat in discripcione rote, ubi comparat rotam mari. Aspectus, inquit, rote quasi visio maris.⁴⁹ Respice mare, respice rotam. Rota honoris velud mare fluit et refluit, venit et transit, surgit et cadit, et sicut mare wexit pleyne post transitum navis et nullum signum aut vestigium apparet semite per quam naves transiunt.⁵⁰ Sic, be þou never so worþi a werrioure, never so wise a governour, licet attingas suppreum punctum honoris, licet velifices altum mare of welth and prosperite, be þou ones passid þi path schal wex fulle pleyne, þi worþi dedes obliscentur and passe out of mynde. Mury hit were rotari super rotam si nollet verti, fful mury it were to saile super calme mare prosperitatis si vellet durare. Sed rota est similis mari, ut ait propheta. Þou sailist i set case in mari prosperitatis, honores et divicie tibi affluunt, per graciā et prudenciā vinces, stas in þe topcastelle navis, al men þe abey. Adhuc trust not in mundo, be not to bold de teipso, þou nost quid pendet super caput tuum, nec quam cito vult cadere. Si vis salvari a periculo in mari prosperitatis þou most strik sail, a vale þin hye wille, a vale tuum cor, a vale teipsum Deo tuo, þank him stillich infra teipsum, ab ipso venit omnis tua gracia. Si fortuna tibi faverit, si mundus tibi arrideat, strik seil; si gracia victorie et alti honores tibi cedant, strik seil. Bere þe never þe hyer, be never þe prudder, quia si pride blowe in tuo velo navis goth to wreck. Multus populus periit in mari prosperitatis þoroo þe wynde (f. 132) of pride, ideo strik sail in mari of welth and prosperite þat þi schippe overturne not w^t þe wynde of pride and vanite. In isto mari prosperitatis our maistur mariner oure worthi prince hath sailet many wyntur<s>. He hath be qwirlid super rotam honoris, much worschip and gracia hath fallen to him in a breve tyme. Plures gloriosi principes and worþi werroures fuerunt rectores nostre navis ante conquestum et post, sed nullus cum tam parva plebe passid so terful bellum cum palma victorie sicut ipse ad acerbam procellam de Achyncourt, nullus vel pauci qui tot magnos et graciosos actus in tam brevi tempore. Tam prudenter et digne rexit navem in illud tempus quod habent (?) parvas cimbas regen-

⁴⁷ See Eccles 1:2; 12:8.

⁴⁸ Job 14:2.

⁴⁹ Ez 1:16.

⁵⁰ Cf. Wisdom 5:10: *neque semitam carinae illius in fluctibus.*

das, possunt (?)⁵¹ capere se***⁵² Et quare, credis, rota sui honoris rotatur versus sursum? Certe spiritus vite ascendit qui movet istam rotam. Quid est iste spiritus vite? Bonus, zelus, altus amor quem habet erga Deum et ecclesiam. Iste amor est spiritus vite, quia sicut a causa est vita corporis, ita dileccio, vita, anima, secundum doctores. Iste spiritus vite movetur sursum in nostro principe. Suus amor figitur in Deo et bonitate. Suum attentum est ut dicitur, destruere vicia, nutrire vicia,⁵³ fortificare fidem, manutenere ecclesiam et augmentare honorem Dei. Et sicut rota quod⁵⁴ vidit propheta sequebatur spiritum vite, sic mundi honor sequitur spiritum sue bone vite. Sic ipse augmentavit cultum Dei per fundacionem locorum sacrorum⁵⁵ et destruccionem Lollardorum. Sic Deus auxit honorem ipsius, salvavit eum per gratiam a multis periculis and sent illi victoriam de suis inimicis. Dum suus spiritus movetur sursum istomodo, dum diligit interne Deum et ecclesiam, habebit gratiam and gode spede et incrementum honoris. Et quanto alcius ascendit suus spiritus, quanto ardencius diligit Deum et ecclesiam, magis crescet in gloria et honore. Et utinam spiritus sue plebis sequeretur suum spiritum. Utinam proceres et communes viverent adeo virtuose et diligerent Deum et ecclesiam ita tenere sicut antiquitus. Olim domini spirituales et temporales tangebantur et movebantur spiritu Dei. Iste spiritus vite movit (f. 132v) olim prelatos apponere se murum pro domo Dei et stare usque ad mortem. Ecce iste spiritus movit sanctum doctorem, sanctum Ambrosium, excommunicare magnum imperatorem Theodosium quia occidit temere per suos ministros multum innocentem⁵⁶ populum in quadam civitate. Iste spiritus movit⁵⁷ S<anctum> T<homam> C<antuar'> regi H<enrico> secundo <resistere?> et suum sanguinem effudere pro libertate ecclesie. Vita eorum erat talis quod non timebant reprehendere peccatum, audebant dicere verum, ponebant semper Dei timorem ante se. Noluerunt offendere for no herthli plesons. Iste spiritus vite movebat

⁵¹ The text is corrupt. A verb (*fecerunt?*) seems to have slipped out of the clause 'nullus ... tempore' and the following sentence makes nonsense. The scribe wrote 'hñt' and 'pñt', but perhaps intended *habuit* (*hñt*) and *potuit* (*pñt*).

⁵² Small gap left in MS.

⁵³ Presumably for *virtutes*.

⁵⁴ *Recte* quam.

⁵⁵ Henry, in pursuance of his father's vows, founded the Carthusian house at Sheen and the nearby Bridgettine house of Syon. See Jacob, *Fifteenth Century*, p. 196; and for Syon, *The Incendium Amoris of Richard Rolle of Hampole*, ed. M. Deanesly (Manchester, 1915), pp. 91-144.

⁵⁶ *Innocentes*, but the last two letters cancelled by subpunctuation.

⁵⁷ After *no* cancelled by subpunctuation.

quondam religiosos to take hom to streyt levyng and hy perfeccion; pis made hom to lede super terram celestem conversacionem. In quolibet ordine quondam erant perfecte viventes, sed multitudo sanctorum qui vixerunt⁵⁸ et moriebantur ob⁵⁹ vexillo sancti Benedicti enarrant aperte ad oculum quanta virtus et perfeccio fuit olim in nostra veteri oppressata religione. Possumus nunc videre per lumen suorum miraculorum quomodo movebantur spiritu Dei et quat cost þer drow dum navigabant cursum mortalis vite. Quomodo domini temporales movebantur olim spiritu Dei, factum demonstra<n>t in hodiernum diem grandia monasteria, collegia et hospitallia que fundaverunt in honore Dei. Sunt vestigia devocionis eorum. Hec sunt signa alte dileccionis erga Deum et incrementum religionis. Dum spiritus omnium nostrum⁶⁰ movebatur istomodo sursum, we sailid altum mare of welth and prosperite. Tunc fluebat in regno a spring flod diviciarum; magnam copiam omnium bonorum habuimus corporis sanitate, pacem et quietem inter nos et victoriam de inimicis. Per tempus illud rota nostri honoris rotabatur sursum. Sed, domini, qwo so take hede de mundo oure qwele is sumquat turned. Qwo so set oure word veteri oure wele is sumquat wansid. Many mischeves a mowntid up in nostris diebus. Alto many stormys dissencionis hath piriyd up inter nos. Pestilencia et paupertas hath almost overseilde us. Þe stuf nostre navis is⁶¹ nee delivered. Divicie nostri regni sunt fere at a grunde ebbe. Et quare, credis, vertitur nostre rota prosperitatis deorsum istomodo? Certe quia noster spiritus male vadit qui movet rotam. (f. 133) Amor populi avertitur a Deo, devocio is w^f draw fere in omni gradu. Nec regularis nec secularis vivit ut deberet. Nostra conversacio et modus vivendi non est ut erat. Pannus est alterius coloris. Vita nostra non est similis vite antiquorum patrum. Many brekkes sunt in omni parte navis. Nec clerus, nec baronia, nec communitas valet se excusare a peccato. Ful slak plures istorum fuerunt in vita et ideo a slakid her gode sanitas et divicie. Si noster spiritus slac þus forth rota evertitur. Si continuetur peccatum navis goth to wreck. Ideo magister marinarius oure sovereyn lord qui stirrid totam navem per suam prudenciam, graciam et virtutem, desiringe ex corde nostrum omnium⁶² wele et honorem, besied

⁵⁸ MS. *vixerunt*.

⁵⁹ For *sub*?

⁶⁰ *Omnium* seems to make better sense than *omni*. The same two abbreviated words are used again below, but in reverse order.

⁶¹ After *qui* crossed out.

⁶² See n. 60 above.

him per magna media reparare þe brekkes nostre navis and rere up azen nostrum spiritum ad Deum þat hath stalkid fro him mony day per vicia et peccata.⁶³ Be þe spirit bone vite rerid up þus inter nos, nostra navis ful repaired per virtutem iuxta suum desiderium potest crosse sail quando sibi placet et savelich capere mare. Deus preservabit eum in terra et aquis, in pace et guerris. Dominus erit sibi scutum. Tantus honor et gracia schal falle nostre navi si bene vivamus quod noster sovereyn lord valet dicere: *In fluctibus maris ambulavi, in omni gente primatum tenui, excellencium corda virtute calcavi Ecclesiastici xxiii*^o.⁶⁴ 'I ha walkid in fluctibus et fretis maris. I ha saied and sailid þe bitturnes mundi per virtutem et gratiam. I ha passid mony perels per virtutem et gratiam. Of alle þe londis a boutte me I am sovereyn lord.'⁶⁵ Deus sovereyn lord of lordes spede him in his iourne, preservet eum a periculis et increce suum honorem, et det nobis gratiam sic reparare navem per incrementum virtutis quod we mow passe pericula maris and saile recto cursu ad portum celi. Ad istum portum. Amen.

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⁶³ MS. *þecia* with contraction mark.

⁶⁴ Ecclus 24:8, 10, 11.

⁶⁵ Ecclus 24:9: *Et in omni terra steti; et in omni populo et in omni gente primatum habui.*

JORDANUS DE NEMORE: OPERA*

Ron B. Thomson

IN compiling this bibliography and manuscript list of the works of Jordanus de Nemore (early thirteenth century) — later styled *Jordanus Nemorarius* — I have tried to be as rigorous as possible, verifying each manuscript citation and examining copies of the printed items. By checking the bibliographies and references given by others, I hope I have been able to correct any errors which have crept into the literature, and for some of them, to explain their genesis.

I would like to thank H. L. L. Busard, Joseph E. Brown, Marshall Clagett, Edward Grant, and Barnabas B. Hughes who directly or indirectly have helped me prepare this list; all of its failings, of course, are my responsibility.

The material has been ordered as follows:

Genuine Ascriptions

- I. *Scientia de ponderibus*
- I-A. *Elementa super demonstrationem ponderum*
- I-B. The Corpus Christi commentary
- I-C. *Liber de ponderibus*
- I-D. The tradition I commentary on the *Elementa de ponderibus*
- I-E. The tradition II commentary on the *Elementa de ponderibus*
- I-F. *De ratione ponderis*
- I-G. The *Aliud commentum* version
- I-H. Miscellaneous
- II. *Algorismi* treatises
- II-A. *Communis et consuetus*
- II-B. *Demonstratio de algorismo*
- II-C. *Tractatus minutiarum*

* This bibliography was prepared with the assistance of a Canada Council Doctoral Fellowship.

- II-D. *Demonstratio de minutiis*
- II-E. *Algorismus demonstratus* (spurious)
- III. *De elementis arismetice artis*
- IV. *De numeris datis*
- V. *Liber phylotegni de triangulis*
- VI. *Demonstratio de plana sphaera*

Dubious Ascriptions

- VII. *De proportionibus*
- VIII. *Isoperimetra*
- IX. *Demonstrationes pro astrolapsu*
- X. *Pre-exercitamina*

Spurious Ascriptions

- XI. *Ab eodem puncto*
- XII. Heron's formula for the area of a triangle
- XIII. *Liber de speculis*
- XIV. Manuscript errors
- XV. Catalogue errors
- XVI. Errors in the literature

Note: within the lists the manuscripts are in alphabetical order, first by country, then by city. Full references for the libraries cited and for the dating of the manuscripts can be found in the manuscript index.

GENUINE ASCRIPTIONS

I. *Scientia de ponderibus*

The corpus of medieval works on the science of weights, i. e. statics, is very complex. At least one (perhaps only one) was written by Jordanus himself, but there are many versions, some certainly by other commentators, with the same incipit, i. e. they are different demonstrations of the same set of propositions. I have included here all the manuscripts which might be confused.¹

¹ The most important recent work on the science of weights has been by Ernest A. Moody and Marshall Clagett (*The Medieval Science of Weights* (Madison, Wisc., 1952)) and by Joseph E. Brown (*The 'Scientia de ponderibus' in the Later Middle Ages* (Diss. Wisconsin, 1967) *Dissertation Abstracts* 28 (1967-68) 3097-A); both of these comment on the important contributions to this subject made by earlier historians of science. Dr. Brown's thesis has been particularly helpful in preparing this section.

I-A. *Elementa super demonstrationem ponderum*

This seems to be the one work which can definitely be ascribed to Jordanus; and the first of the series. Jordanus took what Joseph Brown has called the 'Logician's Abstract of *On the Karaston*' (a skilful compression of the conclusions of Thābit ibn Qurra's *Liber karastonis*) and created a new treatise (seven axioms and nine propositions) in order to establish a mathematical basis for the four propositions on the Roman balance called the *Liber de canonio*.²

Incipit: *Omnis ponderosi motum esse ad medium ...*

- a. Paris, Mazarine, MS. 3642, fol. 12ra-va; thirteenth century. Fragment: from the beginning to the middle of Proposition 5.
- b. Paris, BN, MS. Lat. 8680A, fol. 55r-v (in pencil: 57r-v); thirteenth century. Fragment: from the beginning to the statement of Proposition 2.
- c. Paris, BN, MS. Lat. 10252, fols. 140v-142v; copied by Arnaldus de Bruxella in 1464-1476.
- d. Paris, BN, MS. Lat. 11247, fols. 38r-43r; sixteenth century. Ascribed to Euclid. This text is very corrupt.
- e. Paris, BN, MS. Lat. 16649, fols. 6r-7v; paper; dated 1519. Fragment: from the beginning to the middle of Proposition 5.
- f. Dresden, MS. Db. 86, fols. 186r-187v; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outside edges) is lost.
- g. Erfurt, Cod. Amplon. Q. 387, fols. 44v-45r; beginning of the second half of the fourteenth century.
- h. Florence, BNC, MS. Conv. soppr. J. I. 32, fols. 47v-48v; late thirteenth century.
- i. Florence, BNC, MS. Conv. soppr. J. V. 30, fols. 7r-8r; fourteenth century.
- j. Milan, MS. R. 47. sup., fols. 122r-123r; thirteenth century.
- k. Toruń, MS. R. 4^o. 2, pp. 192-195; fourteenth century.
- l. Cambridge, Trinity, MS. O. 2. 5, fols. 182ra-183vb; fourteenth century.
- m. Cambridge, Univ. Lib., MS. Addit. 6866, fols. 113r-114r; thirteenth, fourteenth centuries.
- n. Glasgow, MS. Gen. 1115, fol. 201r-v; dated 1480. Suppositions and Proposition 1 only.

² Brown, *Scientia*, pp. 3-4.; Moody and Claggett, *Medieval Science*, p. 123.

- o.* Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 109v-110v; late thirteenth century.
- p.* Oxford, Bod. Lib., MS. Corpus Christi College D. 251, fols. 10rb-12rb; thirteenth century. The proofs are given as *commentum secundum alardum*.
- q.* Oxford, Bod. Lib., MS. Digby 174, fol. 174r-v; thirteenth century.
- r.* Oxford, St. John's, MS. 188, fols. 52r-53r; thirteenth century.
- s.* Princeton, MS. Garrett 95, fols. 55r-57r; fifteenth century.
- t.* Vatican, MS. Reg. lat. 1186, fol. 1r-v; diagrams, fol. 4r-v.

Erroneous references

- u.* Paris, BN, MS. Lat. 16198, fols. 163v-165r. Listed by Brown;³ actually this is the tradition I commentary on the *Elementa de ponderibus* (q. v.).
- v.* Florence, BNC, MS. Conv. soppr. J. I. 30, fols. 7r-8r. Listed by Moody and Clagett in error for manuscript *i* (Conv. soppr. J. V. 30) above.⁴

Editions

- a.* Ernest A. Moody and Marshall Clagett, eds., *The Medieval Science of Weights* (Madison: University of Wisconsin Press, 1952), Latin and English texts edited by Moody, pp. 128-142; introduction, pp. 121-126.

I-B. *The Corpus Christi Commentary*

A number of commentaries on Jordanus' *Elementa* soon appeared. The best (and possibly the earliest) was the anonymous Corpus Christi Commentary, so-called because it is found in a Corpus Christi College, Oxford manuscript (MS. *f.* below) in parallel columns with the *Elementa*. The commentary contains a necessary correction in Proposition 9.⁵

Incipit: *Omnis ponderosi motum esse ad medium ...*

- a.* Dresden, MS. Db. 86, fols. 186r-187v; beginning of the fourteenth century. Very condensed marginal glosses to the *Elementa*. Damaged by water; large sections are no longer legible.

³ Brown, *Scientia*, p. 12.

⁴ Moody and Clagett, *Medieval Science*, p. 126, n° 2.

⁵ Brown, *Scientia*, p. 4.

- b. Erfurt, Cod. Amplon. Q. 348, fols. 1r-4vb; middle and late fourteenth century.
- c. Venice, MS. Lat. Z. 332 (n° 1647), fols. 257r-259r; thirteenth century.
- d. Cambridge, Univ. Lib., MS. Mm. III. 11, fols. 152ra-154ra (*olim* 151ra-153ra); fifteenth century.
- e. Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 109v-110v; late thirteenth century. Condensed marginal glosses to the *Elementa*.
- f. Oxford, Bod. Lib., MS. Corpus Christi College D. 251, fols. 10v-12r; thirteenth century. The commentary and the *Elementa* proofs are in parallel columns.

Editions

- a. Joseph E. Brown, *The 'Scientia de ponderibus' in the Later Middle Ages* (Diss. Wisconsin, 1967) [*Dissertation Abstracts* 28 (1967-68) 3097-A], pp. 582-630; introduction, pp. 571-581. Latin and English texts with comments.

I-C. *Liber de ponderibus*

This treatise fuses the seven axioms and nine propositions to the four propositions of the *De canonio*. This set of proofs is 'a "philosophic" companion piece' to the *Elementa*.⁶

Incipit (introduction): *Cum scientia de ponderibus sit subalternata ...*

- a. Schlägl, MS. Cpl. [824] 236, fols. 153r-157v; paper; fifteenth century (c. 1466).
- b. Paris, BN, MS. Lat. 7378A, fols. 36v-37v; 'a thirteenth-century copy, but carelessly and illegibly written'.⁷
- c. Erfurt, Cod. Amplon. F. 380, fols. 59r-60r; middle and second half of the fourteenth century. With an additional gloss.
- d. Erfurt, Cod. Amplon. Q. 325, fol. 42v; middle and end of the fourteenth century. Fragment: the introduction down to line 59 of the Moody and Clagett edition (p. 152).
- e. Erfurt, Cod. Amplon. Q. 325, fols. 188r-191v.
- f. Erfurt, Cod. Amplon. Q. 376, fols. 143ra-144va; c. 1349.
- g. Erfurt, Cod. Amplon. Q. 385, fols. 92r-96v; beginning of the second half of the fourteenth century. With the *Aliud commentum*; ends with Proposition 5.

⁶ *ibid.*, pp. 5-6.

⁷ Moody and Clagett, *Medieval Science*, p. 173.

- h. Erfurt, Cod. Amplon. Q. 385, fols. 97r-102r. With the *Aliud commentum*; Propositions 1 to 9; proof only of Proposition 10.
- i. Erfurt, Cod. Amplon. Q. 387, fols. 52v-57r; beginning of the second half of the fourteenth century. With the *Aliud commentum*.
- j. Munich, CLM 92, fols. 174v-205r; sixteenth century. With the *Aliud commentum*.
- k. Munich, Universitätsbibl., 4^{to} Cod. MS. 738, fols. 97v-107v; fifteenth century (1452). With the *Aliud commentum*.
- l. Cracow, MS. 568, fols. 94v-95v (*olim* pp. 188-190); fifteenth century.
- m. Barcelona, MS. 242, fols. 16vb-22vb; fifteenth century. With the *Aliud commentum*.
- n. El Escorial, Cod. Lat. N. II. 26, fols. 33r-35r; paper; sixteenth century.
- o. Salamanca, MS. 2019, fols. 103v-105v; fourteenth century.
- p. Cambridge, Mass., Harvard, MS. Typ 43, fols. 226r-227r; c. 1425. With a unique peripatetic gloss (fols. 226r-227v).⁸
- q. Vatican City, MS. Pal. lat. 1377, fols. 19rb-20va; paper; fourteenth, fifteenth centuries. No introduction.
- r. Vatican City, MS. Vat. lat. 2185, fols. 27v-28v; 1355 to 1357.
- s. Vatican City, MS. Vat. lat. 3102, fol. 30v; fourteenth century. Introduction only.

Erroneous references

- t. Paris, BN, MS. Lat. 1025. Mentioned by P. Glorieux in his article on Jordanus of Saxony in *La faculté des arts et ses maîtres au XIII^e siècle*,⁹ probably in error for MS. Lat. 10252 (see I-A. *Elementa*, MS. c).
- u. Munich, CLM 206, fol. 35. Also mentioned by P. Glorieux in his article on Jordanus of Saxony.¹⁰ This is actually a treatise on weights and measures in medicine, and on medical instruments.¹¹

Editions

- a. *Liber Iordani Nemorarii viri clarissimi de ponderibus, propositiones xiii*, ed. Petrus Apianus [i. e. Peter Bienewitz, 1495-1552, of Ingolstadt] (Nuremberg: Johan Petrejus, 1533). Latin text.

⁸ Brown, *Scientia*, p. 16.

⁹ *Etudes de philosophie médiévale* 59 (Paris, 1971), p. 243.

¹⁰ *ibid.*

¹¹ *Catalogus codicum manu scriptorum Bibliothecae Regiae Monacensis* 3/ 1 *Catalogus codicum latinorum* (2nd ed.; Munich, 1892) 1/ 1, p. 43.

- b. Moody and Clagett, *Medieval Science*, pp. 150-165; introduction, pp. 145-149. Latin and English text edited by Moody.

I-D. *Tradition I Commentary on the 'Elementa de ponderibus'*

The *Liber de ponderibus* version led still another anonymous commentator to reword Proposition 1 and to combine the nine propositions of the *Elementa* with the four of the *De canonio*. He noticed that Proposition 8 provided the necessary proof for Proposition 10 (Proposition 1 of the *De canonio*) and therefore eliminated the appeal in the latter to 'Euclid, Archimedes, and others', and cited Proposition 8 instead.¹²

Incipit: *Omnis ponderosi motum esse ad medium ...*

- a. Vienna, Cod. Lat. 5304, fols. 128r-134r; sixteenth century.
- b. Paris, BN, MS. Lat. 3348, fols. 149v-150v; end of the twelfth, beginning of the thirteenth century. Incomplete: from the beginning to the enunciation of Proposition 8; slightly condensed.
- c. Paris, BN, MS. Lat. 16198, fols. 163v-165r; c. 1362.¹³
- d. Florence, BNC, MS. Conv. soppr. J. IV. 29, fols. 61v-67r; fifteenth century.
- e. Cambridge, G/ C, MS. 504, fols. 97v-100v; thirteenth century.
- f. Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 125v-128r; late thirteenth century.
- g. Vatican City, MS. Reg. lat. 1261, fols. 56r-57r; fourteenth, fifteenth centuries. The last four propositions (the *De canonio* propositions) only; preceded by the *De ratione ponderis*.

Editions

- a. Moody and Clagett, *Medieval Science*, pp. 308-311 (Proposition 8, Latin and English texts; edited by Clagett); pp. 379-380 (end of Proposition 3, Latin and English texts; edited by Moody).
- b. Brown, *Scientia*, pp. 636-647 (introduction, pp. 633-635); excerpts from various propositions; Latin and English texts.

I-E. *Tradition II Commentary on the 'Elementa de ponderibus'*

This anonymous commentary is similar to Tradition I, but it includes a different demonstration for Proposition 2, rearranges the sections of

¹² Brown, *Scientia*, p. 6.

¹³ Erroneously listed by Brown (*Scientia*, p. 12) as an *Elementa* manuscript.

Proposition 5 and adds a final section from the *Almagest*, and omits the final section of Proposition 13 (i. e. of the *De canonio*). This commentary is often attributed to Euclid.¹⁴

Incipit: *Omnis ponderosi motum esse ad medium ...*

- a. Paris, BN, MS. Lat. 7310, fols. 110r-121r; sixteenth, seventeenth centuries.
- b. Paris, BN, MS. Lat. 10260, fols. 171r-179r; sixteenth century.
- c. Florence, BNC, MS. Conv. soppr. II. III. 35, fols. 89r-98v; late sixteenth, early seventeenth centuries.
- d. Florence, BNC, MS. Conv. soppr. II. IV. 352, fols. 1r-9v; sixteenth century.
- e. Milan, MS. T. 100. sup., fols. 149v-154v; beginning of the fourteenth century.
- f. Rome, MS. Gesuitic 419, fols. 133r-138r; sixteenth century.
- g. Vatican City, MS. Vat. lat. 2975, fols. 164r-171v; sixteenth century.

Editions

- a. Moody and Clagett, *Medieval Science*, pp. 308-311. Proposition 8 only; Latin and English texts, edited by Clagett.
- b. Brown, *Scientia*, pp. 664-674; introduction, p. 663. Propositions 1 to 3; Latin and English texts.

I-F. *De ratione ponderis*

While other commentators are preparing their texts, the *Elementa* is skilfully corrected and expanded into a forty-five proposition treatise, the *De ratione ponderis*. This is usually ascribed to Jordanus, but more likely it is the work of an unidentified mathematician because the citations by Jordanus of his other works are deleted.¹⁵

Incipit: *Omnis ponderosi motum esse ad medium ...*

- a. Paris, BN, MS. Lat. 7378A, fols. 37v-39v and 40v-41r; 'a thirteenth-century copy, but carelessly and illegibly written'.¹⁶ Fols. 40v-41r contain the section from the middle of Book 2, Proposition 9 to the middle of Book 4, Proposition 6; this was omitted from

¹⁴ Brown, *Scientia*, pp. 6, 60.

¹⁵ *ibid.*, pp. 6-7.

¹⁶ Moody and Clagett, *Medieval Science*, p. 173.

fol. 39r, but its proper insertion is noted in the margins of the manuscript.

- b. Paris, BN, MS. Lat. 8680A, fols. 5r-9v (in pencil: 7r-11v); thirteenth century.
- c. Dresden, MS. Db. 86, fols. 243r-249v; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outside edges) is lost.
- d. Erfurt, Cod. Amplon. F. 37, fols. 53r-57r; late thirteenth to second half of the fourteenth century.
- e. Erfurt, Cod. Amplon. Q. 376, fols. 144va-148rb; c. 1349.
- f. Dublin, MS. 403, fols. 180v-190r; mid-fifteenth century.
- g. Utrecht, MS. 725, fols. 98r-105v; fifteenth century.
- h. El Escorial, Cod. Lat. N. II. 26, fols. 35r-40v; paper; sixteenth century.
- i. Madrid, MS. 9119, fols. 363v-369r; fifteenth century.
- j. Basel, MS. F. II. 33, fols. 134v-137r; mid-fourteenth century. Begins with Book 1, Proposition 8; preceded by the *Aliud commentum* version.
- k. Cambridge, Univ. Lib., MS. Mm. III. 11, fols. 140ra-145ra (*olim* 139ra-144ra); fifteenth century. No diagrams.
- l. Edinburgh, MS. Crawford 1. 27, fols. 14r-21v; mid-thirteenth century.
- m. London, BL, MS. Harley 13, fols. 133va-140ra (*olim* fols. 134v-141r); early fourteenth century. 'A less careful copy ..., and contains a substantial number of omissions due to homoioteleuta'.¹⁷ Attributed to 'Iohannes' — believed a scribal error.¹⁸
- n. Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 128r-133r; late thirteenth century. Begins with Book 1, Proposition 8; preceded by the Tradition I commentary on the *Elementa de ponderibus*.
- o. Vatican City, MS. Reg. lat. 1261, fols. 50r-55v; fourteenth, fifteenth centuries.
- p. Vatican City, MS. Vat. lat. 3102, fols. 34v-37r; fourteenth century. Begins with Book 1, Proposition 8; preceded by the introduction to the *Liber de ponderibus*, and the *Aliud commentum* version.

Erroneous reference

- q. Vatican City, MS. Vat. lat. 3012, fols. 30v-37r. Given in error for

¹⁷ *ibid.*, p. 172.

¹⁸ *ibid.*, p. 389 n. 5.

Vat. lat. 3102 (MS. *p.* above) by Marshall Clagett and John E. Murdoch in a 1959 list of photographic reproductions.¹⁹

Editions

- a. *Jordani opusculum de ponderositate*, ed. Nicolò Tartaglia (Venice: Curtio Troiano [de' Navò], 1565). Latin text, based on the *i.* Madrid manuscript.²⁰
- b. Moody and Clagett, *Medieval Science*, pp. 174-227; introduction, pp. 169-173. Latin and English texts, edited by Moody.

I-G. The '*Aliud commentum*' Version

This anonymous set of commentaries, each of which begins with the words *Aliud commentum*, surpasses all others, especially the commentary on Proposition 1.²¹ It is usually found with the *Liber de ponderibus*.

Incipit: *Omnis ponderosi motum esse ad medium ...*

- a. Vienna, Cod. Lat. 5203, fols. 174r-180v; fifteenth century. Condensed.
- b. Erfurt, Cod. Amplon. Q. 385, fols. 92r-96v; beginning of the second half of the fourteenth century. Breaks off near the end of Proposition 5.
- c. Erfurt, Cod. Amplon. Q. 385, fols. 97r-102r. Incomplete: Propositions 1 to 9, proof only of Proposition 10.
- d. Erfurt, Cod. Amplon. Q. 387, fols. 52v-57r; beginning of the second half of the fourteenth century.
- e. Munich, CLM 92, fols. 177v-205r; sixteenth century.
- f. Munich, Universitätsbibl., 4^{to} Cod. MS. 738, fols. 97v-107v; fifteenth century (A. D. 1452).
- g. Wolfenbüttel, MS. 24. Aug. 4^{to}, fols. 37r-42r; fifteenth century.
- h. Florence, BNC, MS. Conv. soppr. J. VI. 36, fols. 2r-8r; early fifteenth century.
- i. Barcelona, MS. 242, fols. 17ra-22vb; fifteenth century.
- j. Basel, MS. F. II. 33, fols. 132r-134v; mid-fourteenth century.
- k. Vatican City, MS. Vat. lat. 3102, fols. 31r-34v; fourteenth century.

¹⁹ Marshall Clagett and John E. Murdoch, 'Medieval Mathematics, Physics and Philosophy: A Revised Catalogue of Photographic Reproductions', *Manuscripta* 3 (1959) 25.

²⁰ Stillman Drake and I. E. Drabkin, eds., *Mechanics in Sixteenth-Century Italy: Selections from Tartaglia, Benedetti, Guido Ubaldo, and Galileo* (Madison-Milwaukee-London, 1969), p. 23.

²¹ Brown, *Scientia*, p. 8.

Editions

- a. *Liber Iordani Nemorarii viri clarissimi de ponderibus, propositiones xiii*, ed. Petrus Apianus [i. e. Peter Bienewitz, 1495-1552, of Ingolstadt] (Nuremberg: Johan Petrejus, 1533). Latin text.
- b. Moody and Clagett, *Medieval Science*, pp. 296-305; introduction, pp. 293-295. Latin and English texts of Proposition 1, edited by Moody.
- c. Brown, *Scientia*, pp. 173-347; introduction, pp. 167-172. Latin and English texts, with comments.

I-H. *Miscellaneous*

- a. Paris, BN, MS. Lat. 7215, fols. 107v-108v; fourteenth century. Contains the common suppositions and the nine propositions, but with no proofs or comments; followed by the propositions (only) of the *De canonio* (fols. 108v-109r) and of the *Liber Euclidis de ponderoso et levi* (fol. 109r-v).²²

II. 'Algorismi' Treatises

In a series of articles early in this century Gustaf Eneström explored the various *algorismi* treatises (treatises on practical arithmetic) ascribed to Jordanus. The following is a summary of his conclusions.

II-A. '*Communis et consuetus*'

This treatise — the title is actually its first words²³ — appears to be the earliest form of the work; it corresponds closely to the later *Demonstratio de algorismo*. The former has a long introduction which corresponds to the definitions of the latter; the former also has twenty-five propositions which correspond almost verbatim to Propositions 1 to 8, 10, 11, and 20 to 34 of the *Demonstratio de algorismo*. In most cases the proofs in the two treatises agree word for word, though sometimes those in the *Communis et consuetus* are shorter; only rarely do the proofs differ completely.

Eneström believed that the text *Communis et consuetus* was certainly written by Jordanus. The text of the *Demonstratio de algorismo* may have

²² See Moody and Clagett, *Medieval Science*, pp. 23 ff.

²³ Chosen by Eneström; it has also been called the *Opus numerorum* after one of the later paragraphs in the introduction.

been by Jordanus, or by someone else; in any event it was a later work.²⁴

Incipit: *Communis et consuetus rerum cursus virtusque ...*

- a. Bruges, MS. 530, fols. 15v-20v; fourteenth century. There is an extra introductory paragraph which begins this treatise (incipit: *Numerorum alius simplex alius compositus ...*).
- b. Paris, Mazarine, MS. 3642, fols. 96ra-97va; thirteenth century. Fol. 105rb contains a paragraph similar to one in the introduction of the *Communis et consuetus*, but not exactly the same; (incipit: *Numerorum alius simplex alius compositus ...*)
- c. Florence, BNC, MS. Conv. soppr. J. V. 18, fols. 37ra-39rb; fourteenth century. This treatise begins with the extra introductory paragraph (incipit: *Numerorum alius simplex alius compositus ...*).
- d. Cracow, MS. 1924, pp. 263-271; thirteenth or fourteenth century.
- e. Vatican City, MS. Ottob. lat. 309, fols. 114rb-117ra; fourteenth century.
- f. Vatican City, MS. Reg. lat. 1268, fols. 69r-71r; fourteenth century. Incomplete; ends at Proposition 15.

Editions

- a. Gustaf Eneström, 'Ueber eine dem Jordanus Nemorarius zugeschriebene kurze Algorismusschrift', *Bibliotheca mathematica*, Ser. 3, 8 (1907-1908) 135-153. The introduction is printed in full along with the propositions; but only a few of the proofs are included. There is, however, a German analysis. Taken mainly from MS. e. Ottob. lat. 309.

II-B. *Demonstratio de algorismo*

This treatise contains twenty-one definitions and thirty-four propositions. As pointed out in my introduction to the *Communis et consuetus*, these two treatises are closely related. Eneström suggests that the *Demonstratio de algorismo* is a later version, edited and expanded either by Jordanus himself or by some other thirteenth-century mathematician.²⁵

Incipit: *Figure numerorum sunt novem (scilicet) 1. 2. 3. 4. 5. 6. 7. 8. 9...*

- a. Lyons, MS. 328, fols. 59r-63v; fourteenth century.

²⁴ G. Eneström, 'In meinem Aufsatz ...', *Bibliotheca mathematica*, Ser. 3, 7 (1906-07) 207-208.

²⁵ *ibid.*

- b. Berlin (West), SPK, MS. Lat. quarto 510, fols. 72v-77r; thirteenth century.
- c. Dresden, MS. Db. 86, fols. 169r-175r; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost.
- d. Florence, BNC, MS. Conv. soppr. J. I. 32, fols. 112v-117v (*olim* fols. 113v-118v); late thirteenth century.
- e. Naples, MS. [Borbon.] VIII. C. 22, fols. 51r-53r; thirteenth century.
- f. Cambridge, Pepys Lib., MS. 2329, fols. 219ra-222rb; early fifteenth century.
- g. Oxford, Bod. Lib., MS. Savile 21, fols. 143r-146v; thirteenth century; in the hand of Robert Grosseteste.²⁶
- h. Vatican City, MS. Vat. lat. 4275, fols. 60ra-64vb; fourteenth or fifteenth century.

Editions

- a. Gustaf Eneström, 'Ueber die "Demonstratio Jordani de Algorismo"', *Bibliotheca mathematica*, Ser. 3, 7 (1906-07) 24-37. Includes the Latin text of the definitions, but not the proofs. Edited from b. Berlin, MS. Lat. quarto 510 and c. Dresden, MS. Db. 86.

II-C. *Tractatus minutiarum*

This treatise on fractions generally follows the *Communis et consuetus*. It seems the two were considered a unit, although they are variously distinguished in manuscripts as two separate works, or two chapters of the same *Algorismus Jordani*.

There is also a second treatise on fractions, the *Demonstratio de minutiis*, which itself is very closely (and similarly) linked to the *Demonstratio de algorismo*. Eneström indicates that the contents of the two introductions are generally the same, and that the twenty-six propositions of the *Tractatus minutiarum* reappear as Propositions 1 to 5, 7 to 25, 30, and 35 of the *Demonstratio de minutiis*. One is faced with the conclusion that the *Tractatus minutiarum* likewise is the original, that it was re-edited and expanded to form the *Demonstratio de minutiis*.

The lettering of these manuscripts is that of the *Communis et consuetus*.²⁷

²⁶ See n. 185.

²⁷ The *Tractatus minutiarum* is not found in Vatican City, MS. Reg. lat. 1268; the *Communis et consuetus* itself is incomplete.

Incipit: *Minutiarum tractatum inchoantes dicimus nichil ...*

- a. Bruges, MS. 530, fols. 20v-24v; fourteenth century.
- b. Paris, Mazarine, MS. 3642, fols. 97va-99ra; thirteenth century.
- c. Florence, BNC, MS. Conv. soppr. J. V. 18, fols. 39rb-42va; fourteenth century.
- d. Cracow, MS. 1924, pp. 271-278; thirteenth or fourteenth century.
- e. Vatican City, MS. Ottob. lat. 309, fols. 117rb-119vb; fourteenth century.

Erroneous references

- g. Dresden, MS. C. 80, fols. 182r-185v. Noted by Eneström;²⁸ actually a fifteenth-century commentary on an *algorismus* treatise.²⁹

Editions

- a. Gustaf Eneström, 'Das Bruchrechnen des Jordanus Nemorarius', *Bibliotheca mathematica*, Ser. 3, 14 (1913-14) 42-44, 48-53. The introduction and the propositions are printed in full, but only the proof of Proposition 23. Taken from e. Vatican City, MS. Ottob. lat. 309.

II-D. *Demonstratio de minutiis*

Besides a different (but equivalent) introduction from that of the *Tractatus minutiarum*, the *Demonstratio de minutiis* contains thirty-five propositions, the proofs of which are generally much longer than those of the earlier treatise. The *Demonstratio de minutiis* is also closely linked to the *Demonstratio de algorismo*, generally following that text (except in the c. Dresden manuscript where it precedes it).

The lettering of these manuscripts is that of the *Demonstratio de algorismo*.

Incipit: *Quidlibet intellectum respectu partis aut partium ...*

- a. Lyons, MS. 328, fols. 63v-68v; fourteenth century.
- b. Berlin (West), SPK, MS. Lat. quarto 510, fols. 77r-81v; thirteenth century.
- c. Dresden, MS. Db. 86, fols. 159v-165r; beginning of the fourteenth

²⁸ G. Eneström, 'Das Bruchrechnen des Jordanus Nemorarius', *Bibliotheca mathematica*, Ser. 3, 14 (1913-14) 41.

²⁹ See Ron B. Thomson, 'Jordanus de Nemore and the University of Toulouse', *British Journal for the History of Science* 7 (1974) 163-165.

century. Damaged by water; up to one half the text on each page (around the outer edges) is lost.

- d. Florence, BNC, MS. Conv. soppr. J. I. 32, fols. 117v-123v (*olim* fols. 118v-124v); late thirteenth century.
- e. Naples, MS. [Borbon.] VIII. C. 22, fols. 53r-55r; thirteenth century.
- f. Cambridge, Pepys Lib., MS. 2329, fols. 222rb-224vb; early fifteenth century. The manuscript ends with Proposition 25.
- g. Oxford, Bod. Lib., MS. Savile 21, fols. 146v-150r; thirteenth century; in the hand of Robert Grosseteste.³⁰
- h. Vatican City, MS. Vat. lat. 4275, fols. 64vb-70ra; fourteenth or fifteenth century.

Editions

- a. Eneström, 'Bruchrechnen', 45-53. The introduction and propositions are printed in full, but only the proof of Proposition 24. Taken from b. Berlin, MS. Lat. quarto 510.

II-E. *Algorismus demonstratus* (spurious)

For a long time this item was ascribed to Jordanus. Up until Gustaf Eneström began to sort out the various *algorismi* treatises, the *Algorismus demonstratus*, since it was the only one published (1543), was the heading under which all the treatises were grouped. Eneström thought it highly unlikely, however, that this version was the work of Jordanus;³¹ Johan Schöner who edited the 1543 version did not ascribe it to him, nor is there any mention of Jordanus in the manuscripts. Where an author is given, it is generally a Magister Gernardus (Gerhardus; Gernandus).³²

The *Algorismus demonstratus* is divided into two parts. The first, also known as the *Algorismus de integris*, contains definitions, axioms, and forty-three propositions. The second part, the *Algorismus de minutiis*, contains definitions and forty-two propositions. Eneström, in the articles in which he edits the two parts, shows that while different from the *algorismi* treatises of Jordanus, the *Algorismus demonstratus* is still closely related to them.

³⁰ See n. 185.

³¹ G. Eneström, 'Ueber die "Demonstratio Jordani de Algorismo"', *Bibliotheca mathematica*, Ser. 3, 7 (1906-07) 34 and *passim*.

³² Marshall Clagett has suggested that Magister Gernardus might be identified with Gerard of Brussels. See Marshall Clagett, 'The *Liber de motu* of Gerard of Brussels and the Origins of Kinematics in the West', *Osiris* 12 (1956) 106-107.

Incipit: *Digitus est omnis numerus minor decem ...*

Incipit: (*Algorismus de minutiis*): *Deinceps ad minutias procedat negotium ...*

- a. Vienna, Cod. Lat. 5203, fols. 148r-168r; fifteenth century.
- b. Vienna, Cod. Lat. 5277, fols. 199r-223v; copied c. 1525 by J. Vögelin.
- c. Paris, BN, MS. Lat. 8680A, fols. 28v-50r (in pencil: 30v-52r); fifteenth century.
- d. Basel, MS. F. II. 33, fols. 99r-105r (*Algorismus de integris*); fols. 87r-95r (*Algorismus de minutiis*); mid-fourteenth century.
- e. Cambridge, Univ. Lib., MS. Addit. 6866, fols. 161ra-184ra; thirteenth, fourteenth centuries. Ascribed to 'Magistri Gernardi'.
- f. Oxford, Bod. Lib., MS. Digby 61, fols. 1r-20r; thirteenth century. Ascribed (on the title page) to 'Gerhardi' and (on fol. 1r) to 'Magistri Gernandi'.
- g. Oxford, Bod. Lib., MS. Digby 190, fols. 128r-169r; thirteenth or early fourteenth century.
- h. Vatican City, MS. Reg. lat. 1261, fols. 266v-289r; 1350-1375. Ascribed to 'Magistri Gernardi'.

Editions

- a. Johan Schöner, ed., *Algorithmus demonstratus* (Nuremberg: Johan Petrejus, 1534). Latin text. The proofs of the propositions have been edited. Proposition 10 of the second part has not been numbered and thereafter the rest of the propositions are out of step with Eneström's numbering.
- b. Pierre Forcadel, trans., *L'arithmétique démontrée* (Paris: Hierosme de Marnef and Guillaume Cauellet, 1570). A French translation of Schöner's 1534 edition.³³
- c. Gustaf Eneström, 'Der «Algorismus de integris» des Meisters Gernardus', *Bibliotheca mathematica*, Ser. 3, 13 (1912-13) 289-332. Latin text (pp. 291-327) taken from the h. Vatican manuscript.
- d. Gustaf Eneström, 'Der «Algorismus de minutiis» des Meisters Gernardus', *Bibliotheca mathematica*, Ser. 3, 14 (1913-14) 99-149. Latin text (pp. 100-142) also taken from the h. Vatican manuscript.

³³ This item (1 + 35 folios) is extremely rare and does not appear in earlier lists of Forcadel's works. The only copy so far discovered is in Turin, Biblioteca Nazionale Universitaria; its 1869 shelfmark in the Biblioteca dell' Università di Torino was Q. IV. 87.

III. *De elementis arismetice artis*

This treatise contains over 400 propositions divided into ten books. There is a strong suspicion that there are at least two versions or editions of the *Arithmetica* in manuscript form, similar to what has been found to be the case with the other genuine works of Jordanus. We await a critical edition.

Incipit: *Unitas est esse rei per se discretio ...*

- a. Paris, BN, MS. Lat. 7364, fols. 1r-117r; fourteenth century.
- b. Paris, BN, MS. Lat. 7378A, fol. 57v; fourteenth century. Fragment: from the beginning to Book 1, Proposition 8.
- c. Paris, BN, MS. Lat. 11885, fols. 89ra-109vb (*olim* 1r-21v), 113ra-vb (*olim* 22r-v), 110ra-110^{bis}va (*olim* 23r-24v; note: fol. 110^{bis} is misnumbered as fol. 100^{bis}); fourteenth century.
- d. Paris, BN, Ms. Lat. 14737, fols. 42r-83r (as numbered in the manuscript; the first folio is numbered '17'); 1405.
- e. Paris, BN, MS. Lat. 16198, fols. 123r-150r; c. 1362. Books 6 to 10, with commentary; incipit: *Latera numerorum dicuntur quorum multitudine numeri proveniunt ...*
- f. Paris, BN, MS. Lat. 16644, fols. 2r-93v; thirteenth century.
- g. Paris, BN, MS. Lat. 16649, fols. 39r-40v; paper; dated 1519. Fragments: Book 1, definitions and enunciations (but not the proofs) of Propositions 1 to 15.
- h. Berlin (West), SPK, MS. Lat. oct. 153, fols. 1r-67r; fourteenth century. Fragmentary: Propositions I-1 to III-22 on fols. 3r-18v; III-23 to IV-17 on fols. 27r-34v; IV-18 to V-16 on fols. 19r-26v; VII-45 to VII-49 on fol. 1r-v; VIII-8 and 9 on fol. 2r-v; IX-13 to X-52 on fols. 35r-67r.
- i. Dresden, MS. Db. 86, fols. 61v-110v; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost. Some leaves are also torn.
- j. Florence, BNC, MS. Conv. soppr. J. I. 32, fols. 167v-211v (*olim* 168v-212v); late thirteenth century.
- k. Florence, BNC, MS. Conv. soppr. J. I. 37, fols. 1r-80r; parchment and paper; fifteenth century.
- l. Milan, MS. C. 241. inf., fols. 1r-27r; dated 1401. Copied in Paris by Master Johannes Contarini de Venetiis.
- m. Milan, MS. D. 186. inf., fols. 113ra-126ra; fourteenth century. Lacuna between Propositions V-5 and V-64.
- n. Venice, MS. Lat. VIII-77 (no. 3223), fols. 99r-124v; fourteenth century.

- o.* Venice, MS. Lat. Z. 332 (no. 1647), fols. 40r-85v; thirteenth century.
- p.* Basel, MS. F. II. 33, fols. 65r-86v; mid-fourteenth century.
- q.* Cambridge, Pepys Lib., MS. 2329, fols. 1ra-45ra; copied in 1407 by Servatius Tomlinger of Bavaria.
- r.* Cambridge, Univ. Lib., MS. li. V. 41, fols. 345r-368v; fourteenth century.
- s.* London, BL, MS. Harley 4973, fols. 1r-33v; fourteenth century.
- t.* London Royal Society, MS. 15, fols. 9v-49v; end of the thirteenth century.
- u.* Vatican City, MS. Ottob. lat. 2069, fols. 1r-51v; thirteenth century.
- v.* Vatican City, MS. Ottob. lat. 2120, fols. 1r-96r; thirteenth century.
- w.* Vatican City, MS. Vat. lat. 4455, fols. 105r-137v.

Translations

- x.* Berlin (East), DS, MS. Hamilton 692, fols. 1r-206v; *c.* 1500. An Italian translation of the *Arithmetica*; other texts follow, the whole collection ending on fol. 275v (Jordanus' text might end before fol. 206v, or after; a close comparison of this manuscript with the Latin text would be necessary).

Erroneous references

- y.* Cracow, MS. 546, fols. 91r-99r (*olim* pp. 183-199). Incipit: *Numerus est duplex mathematicus qui ...* Johannes de Muris, *Arithmetice speculative libri duo*. The Cracow catalogue credits this to either Johannes de Muris or Jordanus.³⁴
- z.* London, BL, MS. Arundel 200, fol. 12r. Cited by James Halliwell in his 1840 catalogue of the Royal Society of London manuscripts;³⁵ but this manuscript does not contain any such item, nor does any other Arundel manuscript.

Editions

- a.* *In hoc opera contenta: Arithmetica decem libris demonstrata [Jordani]; Musica libris demonstrata quattuor; Epitome in libros arithmeticos divi severini Boetij; Rithmimachie ludus que et pugna numerorum appellatur,*

³⁴ Władysław Wisłocki, *Katalog Rękopisów Biblioteki Uniwersytetu Jagiellońskiego/ Catalogus codicum manuscriptorum Bibliothecae Universitatis Jagellonicae Cracoviensis* (Cracow, 1877-1881), p. 169.

³⁵ James Orchard Halliwell, *A Catalogue of the Miscellaneous Manuscripts Preserved in the Library of the Royal Society* (London, 1840), p. 7, item XV.

- ed. Jacob Faber Stapulensis [Jacques Le Fèvre d'Étaples (1455-1536)] (Paris: Johannes Higman and Wolfgang Hopyl, 1496). Le Fèvre has supplied his own demonstrations and comments.³⁶
- b. *In hoc opera contenta: Arithmetica decem libris demonstrata ...* (Paris: Henri Estienne, 1514). A reprint of the 1496 edition.

Ghost editions

- c. *In hoc libro contenta: Epitome compendiosaque introductio in libros Arithmeticos divi severini Boetij: adiecto familiari commentario dilucidata ...*, ed. Jacob Faber Stapulensis (Paris: Wolfgang Hopyl and Henri Estienne, 1503). The first text is an expanded version of the Boethius *Arithmetic* found in the Paris 1496/1514 texts (third item). Perhaps the phrase *In hoc libro contenta* and numerous references to Jordanus in the text (references also found, however, in the Paris 1496/1514 Boethius) has led to a confusion of these two different books. Mentioned in David Eugene Smith, *Rara Arithmetica* (Boston, 1908), p. 62; and in George Sarton, *Introduction to the History of Science* 2/2 (Baltimore, 1931), p. 615.
- d. Item c., reprinted Paris, 1510.
- e. Smith (*Rara Arithmetica*, p. 65) lists a Paris 1507 edition, printed by Henri Estienne, with the same title page as the 1496 edition, but which also contains the commentary on Sacrobosco's astronomy by Faber Stapulensis, and extracts from the first four books of Euclid *a Boetio in latinum translate*. This item upon examination, however, proves to be two works bound together — part of the 1496 *In hoc opera contenta* containing Jordanus' *Arithmetica*, and the Paris 1507 edition (lacking the title page) of John of Sacrobosco's *Treatise on the Sphere*. The reference to a Paris 1507 edition was repeated in Sarton, 2/ 2.615.

IV. *De numeris datis*

Barnabas B. Hughes, O. F. M., has indicated that there are two sets of manuscripts (which he calls alpha and beta) for the *De numeris datis*, one containing ninety-five propositions, the other, 113. Furthermore, the proofs of Propositions I-21, I-22, I-28 and II-12 to 14 are completely different in the two sets.³⁷ Finally there are four manuscripts, all dating

³⁶ Edward Grant, 'Jordanus de Nemore', *Dictionary of Scientific Biography*, ed. Charles C. Gillispie, 7 (New York, 1973), p. 178a.

³⁷ Barnabas B. Hughes, *The De numeris datis of Jordanus de Nemore: A Critical Edition, Analysis, Evaluation and Translation* (Diss. Stanford, 1970), pp. 113-115.

later than 1485, which are digests or revisions of digests made by other mathematicians.³⁸

Incipit: *Numerus datus est cuius quantitas nota est ...*

IV-A. *Alpha-set*

- a. Paris, BN, MS. Lat. 8680A, fols. 11r-21r (in pencil: 13r-23r); thirteenth century.
- b. Paris, BN, MS. Lat. 11863, fols. 1r-18r; sixteenth century.
- c. Dresden, MS. Db. 86, fols. 228r-242r; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost.
- d. Basel, MS. F. II. 33, fols. 138v-145v; mid-fourteenth century. Abounds in errors and omissions.³⁹
- e. Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 74v-87r; late thirteenth century.⁴⁰
- f. Vatican City, MS. Ottob. lat. 2120, fols. 96v-124v; fifteenth century.
- g. Vatican City, MS. Vat. lat. 4275, fols. 70r-81v; fourteenth or fifteenth century.

IV-B. *Beta-set*

- h. Vienna, Cod. Lat. 4770, fols. 13r-40r; fourteenth or early fifteenth century.
- i. Vienna, Cod. Lat. 5303, fols. 87r-98r; fifteenth and sixteenth centuries (1435 and 1520).
- j. Paris, Mazarine, MS. 3642, fols. 99ra-105ra; thirteenth century.
- k. Paris, BN, MS. Lat. 11885, fols. 110^{bis}vb-112vb (*olim* 24v-26v; note fol. 110^{bis} is misnumbered as fol. 100^{bis}), 115r (*olim* 27r; also numbered as fol. 114); fourteenth century. Incomplete; ends with Proposition II-10.
- l. Florence, BNC, MS. Conv. soppr. J. V. 18, fols. 42va-53va; fourteenth century.
- m. Milan, MS. D. 186. inf., fols. 126rb-128vb; fourteenth century. Fragment: from the beginning to part way through Book 2, Proposition 10.

³⁸ *ibid.*, pp. 123-125.

³⁹ *ibid.*, p. 107.

⁴⁰ The catalogue gives the wrong folio and incipit (*Si numerus numerum numerat et eius aliquam partem*). See Falconer Madan et al., *A Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford* 2/ 2 (Oxford, 1937), p. 706 (entry 3623).

- n. Cracow, MS. 1924, pp. 287-313; thirteenth or fourteenth century.
- o. Cambridge, Univ. Lib., MS. Gg. VI. 3, fols. 377r-381v; fourteenth century. The leaves of this manuscript have been much displaced by the binder. Fragment: from the beginning of Book 3 to Book 4, Proposition 19. Incipit: *Trium numerorum continue proportionalium si duo extremi dati fuerint ...*

IV-C. Digests/Revisions

- p. Vienna, Cod. Lat. 5277, fols. 320v-327r; copied c. 1525 by J. Vögelin.
- q. Dresden, MS. C. 80, fols. 316r-323r; dated 1485. Damaged by water but for the most part legible.
- r. Göttingen, Cod. Lat. philos. 30, fols. 151v-185r (fols. 160 and 161 are inserted leaves); dated 1545-1548. Incipit of the introduction: *Nota omnis differentia numerorum duorum habetur per subtractionem minoris numeri a maiori.*
- s. New York, Columbia, MS. X512, Sch. 2Q (313450), pp. 160-309; dated 1550-55. Fourth and final part of a general compendium composed by Johann Scheubel while he was ordinary professor of Euclid at the University of Tübingen.⁴¹

Erroneous reference

- t. Vatican City, MS. Ottob. lat. 2130. Given by Hughes in his thesis (pp. 111 and 129) in error for Ottob. lat. 2120.

Editions (See also *Addendum*, p. 144.

- a. P. Treutlein, 'Der Traktat des Jordanus Nemorarius "De numeris datis"', *Zeitschrift für Mathematik und Physik, Supplement zur historisch-literarischen Abtheilung (Abhandlungen zur Geschichte der Mathematik 2)* 24 (1879) 125-166. Latin text, pp; 136-166. Based on the d. Basel manuscript.
- a-i. Maximilian Curtze, 'Die Ausgabe von Jordanus' "De numeris datis" durch Professor P. Treutlein in Karlsruhe', *Leopoldina, amtliches Organ der Kaiserlichen Leopoldino-Carolinischen Deutschen Akademie der Naturforscher* 18 (1882) 26-31. Approximately 500 corrections of Treutlein's text.
- b. Maximilian Curtze, 'Commentar zu dem "Tractatus de Numeris

⁴¹ Barnabas B. Hughes, 'Johann Scheubel's Revision of Jordanus de Nemore's *De numeris datis*: An Analysis of an Unpublished Manuscript', *Isis* 63 (1972) 223.

- Datis" des Jordanus Nemorarius', *Zeitschrift für Mathematik und Physik, Historisch-literarische Abtheilung* 36 (1891), introduction: pp. 1-5; text and commentary: pp. 6-23, 41-63, 81-95, 121-138. Latin text, German translation of the propositions; German commentary. Based on the *c.* Dresden Db. 86 manuscript with the missing Book 4 propositions from the *q.* Dresden C. 80 manuscript.
- b-i.* R. Daublebsky von Sterneck, 'Zur Vervollständigung der Ausgaben der Schrift des Jordanus Nemorarius: "Tractatus de numeris datis"', *Monatshefte für Mathematik und Physik* (Wien) 7 (1896), 165-179. A better edition of the Book 4 propositions along with variant readings for some other propositions. Latin text from the *h.* Vienna 4770 manuscript.
- b-ii.* G. Wertheim, 'Ueber die Lösung einiger Aufgaben im "Tractatus de numeris datis" des Jordanus Nemorarius', *Bibliotheca mathematica*, Ser. 3, 1 (1900) 417-420. Clarifies the solutions to some of the problems in Book 2.
- c.* Barnabas Bernard Hughes, *The De Numeris Datis of Jordanus de Nemore: A Critical Edition, Analysis, Evaluation and Translation* (Diss. Stanford, 1970) [*Dissertation Abstracts International* 31 (1970-71) 7429-B]. Based on all available manuscripts except *k.* Paris, BN, MS. Lat. 11885, *g.* Vatican, MS. Vat. lat. 4275, and *n.* Cracow, MS. 1924.

V. *Liber phylotegni de triangulis*

Professor Clagett has distinguished two versions of the *De triangulis* — a shorter and presumably first edition, called the *Liber phyloteigni/ phylotegni de triangulis*, and a longer version. A number of Book 2 propositions (particularly II-9 to II-12 and II-14 to II-16) are missing from the earlier version, which also generally ends with Proposition IV-9 or IV-11 (but without IV-10). These propositions were not divided into books but were numbered successively. Manuscript *c.* Milan appears to be the closest to the original text, although even it does not seem to be an exact copy; the other three shorter-version manuscripts contain a few additional propositions. The longer version saw the re-arrangement and expansion of Book 2, as well as the addition of Propositions IV-12 to IV-28. The editor or some other scribe also divided the text into books. While this expanded version may not have been by Jordanus himself, it was most likely finished by the end of the thirteenth century. The number of manuscripts which contain various Book 4 propositions (IV-12 to IV-28) also suggests that these

propositions may have circulated on their own before being incorporated into the *De triangulis*.⁴²

Incipit: *Continuitas est indiscretio termini/ terminorum cum terminandi potencia ...*^{42a}

V-A. *The shorter version*

- a. Bruges, MS. 530, fols. 1v-8v; thirteenth century.
- b. Florence, BNC, MS. Conv. soppr. J. I. 32, fols. 123v-134v (*olim* 124v-135v); late thirteenth century.
- c. Milan, MS. A. 183. inf., fols. 7v-13v; fourteenth century.
- d. Edinburgh, MS. Crawford 1. 27, fols. 1r-13v; thirteenth century.

V-B. *The longer version*

- e. Paris, BN, MS. Lat. 7378A, fols. 29r-36r; fourteenth century.
- f. Dresden, MS. Db. 86, fols. 50r-61v; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost. Some leaves are also torn.
- g. Florence, BNC, MS. Conv. soppr. J. V. 18, fols. 17r-29v; fourteenth century.
- h. Florence, BNC, MS. Conv. soppr. J. X. 40, fols. 57r-66r; fifteenth century. Ends at Proposition II-13.
- i. El Escorial, Cod. Lat. N. II. 26, fols. 1r-15v; sixteenth century.
- j. Basel, MS. F. II. 33, fols. 146r-150v; mid- fourteenth century.
- k. London, BL, MS. Harley 625, fols. 123r-130r; fourteenth century.
- l. London, BL, MS. Sloane 285, fols. 80r-92v; fourteenth century.

V-C. *Book 4 propositions*

- m. Paris, Arsenal, MS. 1035, fol. 104rb-vb; fifteenth century. Propositions IV-26 to IV-28.
- n. Paris, BN, MS. Lat. 7434, fols. 84v-87v; fourteenth century. Propositions IV-12 and IV-28.
- o. Paris, BN, MS. Lat. 9335, fols. 54vb-55ra; fourteenth century. Propositions IV-26 to IV-28.
- p. Florence, Riccardiana, MS. 885, fol. 199^{bis}r; fourteenth century. Proposition IV-22, plus a proposition similar to IV-15.

⁴² This information was supplied by Professor Clagett.

^{42a} Eneström notes that the text itself (Proposition I-1) begins with *In omni triangulo ...* See G. Eneström, 'Ueber den ursprüngliche Titel der geometrischen Schrift Jordanus Nemorarius', *Bibliotheca mathematica*, Ser. 3, 13 (1912-13) 83.

- q. Venice, MS. Lat. Z. 332, fols. 292r-293v; thirteenth century. Propositions IV-24 to IV-28.
- r. Glasgow, MS. Gen. 1115, fols. 210r-211r; dated 1480. Propositions IV-14, 15, 17, 18, and 21. Fol. 211r: *Explicit quadratura circuli secundum magistrum Alardum in maiori commento*.
- s. Oxford, Bod. Lib., MS. Corpus Christi College D. 251, fol. 84v; thirteenth century. Proposition IV-16.
- t. Vatican City, MS. Reg. lat. 1268, fol. 238r-v; fourteenth century. Propositions IV-26 to IV-28.

Editions⁴³

- a. Maximilian Curtze, 'Jordani Nemorarii Geometria vel de Triangulis Libri IV, zum ersten Male nach der Lesart der Handschrift Db. 86 der Koenigl. Oeffentlichen Bibliothek zu Dresden herausgegeben', *Mitteilungen des Copernicus-Vereins für Wissenschaft und Kunst zu Thorn* 6 (1887) xvi + 50 pp., 5 pp. of diagrams. Latin text of the longer version.
- b. Marshall Clagett, *Archimedes in the Middle Ages* (Madison: University of Wisconsin Press, 1964), vol. 1:
 - Proposition IV-16 (Appendix I: Some Non-Archimedean Treatments of Quadrature. 1. The Theorum of Jordanus). Introduction, pp. 567-570; Latin and English texts, pp. 572-575.
 - Proposition IV-20 (Appendix VI: Jordanus and Campanus on the Trisection of an Angle. 1. Jordanus' Solution). Introduction, pp. 666-670; Latin and English texts, pp. 672-677.
 - Proposition IV-22 (Appendix V: A Version of Philo's Solution to the Problem of Two Mean Proportionals). Introduction, pp. 658-661; Latin and English texts, pp. 662-663.

VI. *Demonstratio de plana spha*

This treatise of five propositions (some of which have several parts) deals with various aspects of stereographic projection. The first and historically the most important proposition proves for all cases that circles on the surface of a sphere when projected stereographically on a plane remain circles.

There are three versions of the treatise, the first of which seems to be the basic text, the second with an introduction and a much expanded text, and the third, only slightly expanded. The Introduction is also

⁴³ Professor Clagett is editing and planning to publish both the longer and the shorter versions.

found with three copies of version one, and with the two sixteenth-century printed editions (version three). Björnbo has speculated that this Introduction, obviously by a different author (the commentator uses the third person when referring to Jordanus whereas the text itself uses the first), might have been written by Campanus de Novara. He bases this on the fact that in two manuscripts the *De plana sphaera* with the Introduction follows copies of Theodosios of Tripoli's *De sphaera* and Menelaos of Alexandria's *De sphaera*, both with commentaries by Campanus.⁴⁴ The expansion of the second version also contains numerous references to various propositions in these two books.

VI-A. Version I

Incipit: *Sphaera in quolibet polorum planum contingente ...*

- a. Vienna, Cod. Lat. 5277, fols. 164v-167v; copied c. 1525 by J. Vögelin. After the first two sentences of this version, the Introduction from Version II is inserted (fols. 164v-165r).
- b. Paris, BN, MS. Lat. 7413 (2), fols. 13rb-16vb; thirteenth century.
- c. Dresden, MS. Db. 86, fols. 224r-225v; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost.
- d. Erfurt, Cod. Amplon. Q. 349, fols. 30r-32v; fourteenth century.
- e. Munich, CLM 234, fols. 121v-125v; end of the thirteenth century.
- f. Madrid, MS. 10053, fols. 3rb-4ra; thirteenth century.
- g. Basel, MS. F. II. 33, fols. 108r-109v; mid-fourteenth century. Preceded by the Introduction from Version II (fol. 108r).
- h. Cambridge, G/C, MS. 504, fols. 109v-111v; thirteenth century.
- i. Cambridge, St. John's, MS. F. 25, fols. 58r-60r; thirteenth or fourteenth century.
- j. Cambridge, Univ. Lib., MS. Kk. I. 1, fols. 109va-110vb (catalogue: 'ff. 119b, 120'); mainly thirteenth century.
- k. London, BL, MS. Harley 4350, fols. 31r-36v; mid-thirteenth century. Preceded by the Introduction from Version II (fols. 30r-31r); Version II additions are often interlined throughout the text.

⁴⁴ The manuscripts are Venice, MS. Lat. VIII-32 (fols. 1r-35r, 35r-84v) and Vatican City, MS. Reg. lat. 1261 (fols. 197v-222v, 223r-257v). In the latter manuscript these two treatises are also preceded by Euclid's *Elements* with Campanus' commentary (fols. 61r-197v). See Axel A. Björnbo, 'Studien über Menelaos' Sphärik: Beiträge zur Geschichte der Sphärik und Trigonometrie der Griechen', *Abhandlungen zur Geschichte der mathematischen Wissenschaften* 14 (1902) 149 n., 151 n., 152-154.

- l.* Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 99v-101r; late thirteenth century.
- m.* Oxford, Bod. Lib., MS. Corpus Christi College E. 233, fols. 75r-80r; thirteenth to fifteenth centuries.
- n.* Vatican City, MS. Vat. lat. 3096, fols. 104v-143r; fourteenth century.

VI-B. *Version II*

Incipit (introduction): *Speram in plano describere, est singula puncta ...*

- a.* Vienna, Cod. Lat. 5277, fols. 164v-165r. Introduction followed by Version I (q.v.).
- o.* Paris, BN, MS. Lat. 7378A, fols. 64v-66r; thirteenth century. Illegible.
- p.* Paris, BN, MS. Lat. 8680A, fols. 55v-59r (in pencil, 57v-61r); thirteenth century.
- q.* Paris, BN, MS. Lat. 10266, fols. 133r-141r (in pencil, 148r-156r); dated 1479.
- r.* Dublin, MS. 403, fols. 166v-174r; mid-fifteenth century. Attributed to Ptolemy (fol. 166v).
- s.* Venice, MS. Lat. VIII-32, fols. 84v-90r; fourteenth century.^{44a}
- t.* Utrecht, MS. 725, fols. 91r-98r; fifteenth century.
- g.* Basel, MS. F. II. 33, fol. 108r. Introduction followed by Version I (q. v.)
- u.* London, BL, MS. Harley 13, fols. 124v-128v (*olim* 125v-129v); early fourteenth century. Attributed to Ptolemy (fol. 124vb).
- k.* London, BL, MS. Harley 4350, fols. 30r-31r. Introduction followed by Version I (q. v.).
- v.* Vatican City, MS. Reg. lat. 1261, fols. 257v-261v; fourteenth, fifteenth centuries.

VI-C. *Version III*

Incipit: *Spera in quolibet polorum planum contingente ...*

- w.* Vienna, Cod. Lat. 5203, fols. 137v-146v; fifteenth century.
- x.* Florence, BNC, MS. Conv. soppr. J. X. 40, fols. 17r-22r; fifteenth century.⁴⁵

^{44a} The incipit is incorrectly given as *Primum in plano ...* in Joseph Valentinelli, *Bibliotheca manuscripta ad S. Marci Venetiarum, Codices Mss Latini* 4 (Venice, 1871), p. 266.

⁴⁵ Because of a misreading of Quétif-Echard (Jacobus Quétif and Jacobus Echard, *Scriptores ordinis*

- y. Vatican City, MS. Pal. lat. 1212, fols 102v-105r; fifteenth century.
- z. Vatican City, MS. Pal. lat. 1389, fols. 130r-135r; fifteenth century.

Editions

- a. 'Iordanus de planisphaerii figuratione' in *Sphaerae atque astrorum coelestium ratio natura, et motus* ([Basel]: Johan Walder, 1536), pp. 175-294. Version III with the introduction.
- b. 'Iordanus de planisphaerii figuratione' in *Ptolemaei planisphaerium. Iordani planisphaerium ... in planisphaerium Ptolemaei commentarius*, ed. Federico Commandino (Venice: [Paolo Manuzio] Aldus, 1558), pp. 26r-37v. Version III with the introduction. Note: the correct sequence of pages (as numbered) should be ... 33r-v; 36r-v; 35r-v; 34r-v; 37r-v ...; the pages may or may not be bound out of numerical order but in the correct reading order.
- c. Ron B. Thomson, *Thirteenth-Century Mathematical Astronomy: De plana sphaera Iordani* (D. Phil. Thesis, Oxford, 1974). Latin and English texts of all three versions.

Ghost Editions

a/ b. Basel 1507 and 1558.

George Sarton in his *Introduction to the History of Science*⁴⁶ mentions Basel 1507 and 1558 editions, and refers to Johan Frideric Weidler's *Historia astronomiae* (1741). Thorndike in his 1948 *Osiris* article⁴⁷ conflated the two references. In fact Weidler only states that Jordanus' *Demonstratio astrolabii et planisphaerii* was printed in Basel with Theon of Alexandria's *Commentary on Aratos*.⁴⁸ This is the Basel 1536 edition. Sarton's Basel 1558 is obviously the Venice 1558 edition. As for the Basel 1507, there is none. Since Jordanus' *De plana sphaera* was printed both times in conjunction with Ptolemy's *Planisphaerium*, perhaps Sarton thought that it was also printed along with the first edition of Ptolemy's *Planisphaerium* in the Rome 1507 edition of Ptolemy's *Geography*. References to these two ghost editions appear in other authors who have picked them up from Sarton.

praedicatorum recensiti 1 (Paris, 1719), p. 474) this item was ascribed to Raner[tus] Tudertinus in B. Hauréau, *Initia operum scriptorum Latinorum* 4 (Turnhout, 1973), p. 184ra (incipit: *Sphaera in quolibet polorum planum contingente* ...); see Axel A. Björnbo, 'Die mathematischen S. Marcohandschriften in Florenz', *Bibliotheca mathematica*, Ser. 3, 12 (1911-12) 201 n.

⁴⁶ (Baltimore, 1931), 2/ 2. 616.

⁴⁷ Lynn Thorndike, 'Some Little Known Mathematical Manuscripts', *Osiris* 8 (1948) 41-42.

⁴⁸ Johan Frideric Weidler, *Historia astronomiae sive de ortu et progressu astronomiae* (Württemberg, 1741), p. 276.

- c. Houzeau and Lancaster list under Jordanus Nemorarius an *Astrolabiorum compositio* and a *Coelestium rerum disciplina* published in 1535.⁴⁹ The book, printed at Mainz (Moguntia), is, in fact, entitled *Coelestium rerum disciplinae, atque totius sphaericae peritissimi*, and contains Johannes Stoeffler's *De compositione aut fabrica astrolabii, eiusdemque usu multifariisque utilitatibus*. Petrus Jordan, whom Houzeau and Lancaster consistently confuse with Jordanus de Nemore, was the editor/printer. This reference was repeated by G. Eneström in a review of Curtze's 1887 edition of the *De triangulis*.⁵⁰
- d. Houzeau and Lancaster also mention that the Basel 1536 edition (*Sphaera atque astrorum* ...) may have first been published at Nuremberg in 1531.⁵¹ This is also repeated in Eneström's review.⁵² I have never found any other reference to this supposed edition, nor any copies of it, and believe it is an error on the part of Houzeau and Lancaster.

DUBIOUS ASCRIPTIONS

VII. *De proportionibus*

Francis J. Carmody ascribes this treatise to Thābit ibn Qurra,⁵³ while H. L. L. Busard, who edited it, is unable to say whether it was written by Thābit or Jordanus, or whether it is an original work or a translation.⁵⁴

Incipit: *Proportio est rei ad rem determinata secundum quantitatem habitudo* ...

- a. Paris, BN, MS. Lat. 7399, fols. 12v-15v; fourteenth century.
- b. Paris, BN, MS. Lat. 11247, fols. 43v-50r; sixteenth century.
- c. Berlin (West), SPK, MS. Lat. quarto 510, fols. 175v-178v; thirteenth century.

⁴⁹ J. C. Houzeau and A. Lancaster, *Bibliographie générale de l'astronomie* (Brussels, 1887-89; rpt. London, 1964), 1. 512, 640, 643.

⁵⁰ *Bibliotheca mathematica*, Ser. 2, 4 (1890) 26-27.

⁵¹ Houzeau and Lancaster, 1. 393.

⁵² See n. 47.

⁵³ Francis J. Carmody, *Arab Astronomical and Astrological Sciences in Latin Translation. A Critical Bibliography* (Berkeley-Los Angeles, 1956), p. 128.

⁵⁴ H. L. L. Busard, 'Die Traktate De Proportionibus von Jordanus Nemorarius und Campanus', *Centaurus* 15 (1970-71) 197.

- d. Dresden, MS. C. 80, fol. 245r-v; dated 1485. Damaged during Word War II by water; barely legible.
- e. Dresden, MS. Db. 86, fols. 226r-228r; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost.
- f. Erfurt, Cod. Amplon. Q. 376, fols. 117vb-119va; c. 1349.
- g. Florence, BNC, MS. Conv. soppr. J. I. 32, fols. 164r-167r (*olim* 165r-168r); late thirteenth century. Entitled, in a later hand, *Arismetica Jordani*.
- h. Florence, BNC, MS. Conv. soppr. J. V. 30, fols. 8r-9v; fourteenth century.
- i. Cracow, MS. 1924, pp. 279-282; thirteenth or fourteenth century.
- j. Toledo, MS. 98-22, fol. 66ra-va; fourteenth century.
- k. Cambridge, Univ. Lib., MS. Kk. I. 1. fols. 111r-112r (catalogue: '120-121'); mainly thirteenth century.
- l. Oxford, Bod. Lib., MS. Savile 21, fols. 150v-151r (*olim* 141v-142r); thirteenth century. Entitled in a different hand, *Thebith de proportionibus*.

Erroneous reference

- m. Milan, MS. A. 203. inf., fols. 1r-4r. Incipit: *Proportio est duarum quantitatum eiusdem generis* ... Mentioned in Francis J. Carmody, *Arab Astronomical and Astrological Sciences in Latin Translation*, p. 128. This is actually the Campanus/ Aḥmad ibn Yūsuf al-Miṣri treatise on proportions.⁵⁵

Editions

- a. Johann Schöner, ed., *Algorithmus demonstratus* (Nuremberg: Johan Petrejus, 1534), Appendix. This edition begins with definitions of arithmetic, geometric and harmonic progressions; then, omitting the definitions and first proposition of the manuscripts, it follows closely the rest of the treatise.
- a-i. Reprinted by H. L. L. Busard (see next item), pp. 222-226.
- b. H. L. L. Busard, 'Die Traktate De Proportionibus von Jordanus Nemorarius und Campanus', *Centaurus* 15 (1970-71) 205-213. Latin text based on the k. Cambridge manuscript.

⁵⁵ *ibid.*, 198.

VIII. *Isoperimetra*

Incipit: *Isoperimetra sunt quorum latera coniuncta sumpta sunt equalia ...*

- a. Vienna, Cod. Lat. 5203, fols. 142r-146r; fifteenth century.
- b. Florence, BNC, MS. Conv. soppr. J. V. 30, fol. 12v; fourteenth century. First seven lines only (fols. 13-24 of the original manuscript are now missing).

Editions

- a. Maximilian Curtze, 'Eine Studienreise', *Centralblatt für Bibliothekswesen* 16 (1899) 264-265. Latin text of the propositions only.

This short treatise (eight propositions) on *isoperimetra* (i. e. figures with equal perimeters) is attributed to Jordanus in the *a.* Vienna manuscript, in the table of contents (fol. 1r) and in the title in red ink in the top margin (fols. 142r-146r), but not in the *b.* Florence manuscript. Since the treatise follows Jordanus' *De plana sphaera* in the *a.* Vienna manuscript (fols. 137v-141v), the Jordanus ascription could be a product of this juxtaposition.

Hultsch published the Greek text (with his own Latin translation)⁵⁶ of an *isoperimetra* treatise found in Vatican City, MS. Vat. graec. 184, fols. 10v-12v (thirteenth century) which is part of Pappos of Alexandria's prologue to Ptolemy's *Syntaxis/Almagest*. Several propositions of this text correspond to those in the *a.* Vienna manuscript as well as to those in other *isoperimetra* treatises found in many other manuscripts (incipit: *Prelibandum (vero) est/ primum quem/ qui/ quoniam isoperimetrorum ...*). There seems to be an *isoperimetra* corpus stemming from the Hellenistic world, whose propositions have been supplied with various proofs at various times. Whether one of these sets — as found in the *a.* Vienna manuscript — was composed by Jordanus is very difficult to determine.

IX. *Demonstrationes pro astrolapsu*

There are at least nine manuscripts of this short treatise relating to astrolabe engraving. Up to now it has sometimes been ascribed to Campanus de Novara. The *g.* Cracow manuscript, however, ascribes it to Jordanus, and this, moreover, is the only manuscript which ascribes it definitely to anyone.

⁵⁶ *Pappi Alexandrini Collectionis ...*, ed. Fridericus Hultsch (Berlin, 1878), 3. xv-xix, 1138-1165: *Anonymi commentarius de figuris planis isoperimetris*.

Incipit: *Tres circulos in astrolapsu descriptos* ...⁵⁷

- a. Paris, BN, MS. Lat. 11247, fols. 66v-70v; sixteenth century.⁵⁸
- b. Paris, BN, MS. Lat. 16198, fols. 162v-163v; c. 1362.⁵⁹
- c. Dresden, MS. Db. 86, fols. 196r-198r; beginning of the fourteenth century. Damaged by water; up to one half the text on each page (around the outer edges) is lost.
- d. Erfurt, Cod. Amplon. F. 375, fol. 135r-v; middle or late fourteenth century.⁶⁰
- e. Florence, BNC, MS. Conv. soppr. J. V. 30, fols. 40v-41v (*olim* 52v-53v); fourteenth century.⁶¹
- f. Venice, MS. Lat. Z. 332, fols. 293v-295r; thirteenth century.
- g. Cracow, MS. 1924, pp. 190-193; thirteenth, fourteenth centuries.
- h. Cambridge, Pepys Lib., MS. 2329, fols. 130rb-131va; early fifteenth century.
- i. Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 54r-55r; late thirteenth century.

Editions

- a. Ron B. Thomson, *Thirteenth-Century Mathematical Astronomy: De plana sphaera Iordani* (D. Phil. Thesis, Oxford, 1974), Appendix II. Latin and English texts.

X. *Pre-exercitamina*

Jordanus refers to a treatise which he wrote — the *Pre-exercitamina* ('the shorter introductory exercise'?) — in Proposition 3 of the *Elementa super demonstrationem ponderum*. No further information has ever been gleaned about this item.⁶²

⁵⁷ There is a second form of the proof for the first proposition (with the same incipit) which circulates alone: a. Paris, BN, MS. Lat. 8680A, fol. 50r-v (in pencil, 52r-v); b. Vatican City, MS. Reg. lat. 1261, fol. 289r.

⁵⁸ Fols. 70v-71r contain the introduction to Ptolemy's *Planisphaerium* by Hermannus Dalmata; incipit: *Quemadmodum Ptolemeus, et ante eum nonnulli* ...

⁵⁹ Fol. 163v contains the introduction to Ptolemy's *Planisphaerium*.

⁶⁰ Fol. 135v contains the introduction to Ptolemy's *Planisphaerium*.

⁶¹ Fol. 41v contains the introduction to Ptolemy's *Planisphaerium*.

⁶² See Moody and Clagett, *Medieval Science*, pp. 132-3, 379.

SPURIOUS ASCRIPTIONS

See I. *Scientia de ponderibus* and II-F. *Algorismus demonstratus*.

XI. *Ab eodem puncto*

Incipit: *Ab eodem puncto quodlibet simul circulariter moveri incipientibus ...*

- a. Vatican City, MS. Vat. lat. 3096, fols. 143r-144v; fourteenth century.

A treatise on mechanics ascribed to Thābit ibn Qurra, translated by Jordanus (fol. 143r: *Tractatus Jordani quem transtulit a Thebit*; fol. 144v: *Finis tractatus Jordani Amen*). This item has never been properly identified. While it might be possible that Jordanus is the translator (cf. the *De proportionibus*), it is more likely that his name was attached to this treatise on the strength of his reputation as a mechanician. It is also curious that no reference to Jordanus is made in the genuine *De plana sphaera* which precedes it (fols. 140v-143r).

XII. *Heron's Formula for the Area of a Triangle*

Incipit: *Si trianguli tria latera coacerventur ...*

There are at least thirteen manuscripts of this proposition, some of which mention that it has been translated from the Arabic. But three manuscripts, i. e.

- a. Utrecht, MS. 725, fols. 107v-108r (fifteenth century),
- b. Edinburgh, MS. Crawford 1. 27, fol. 24r-v (thirteenth century),
- c. Vatican City, MS. Reg. lat. 1261, fols. 57v-58v (fourteenth, fifteenth centuries)

have marginal notations linking it with Jordanus' *De triangulis: Hoc est pars phyloteigni et debet ei subiungi*.⁶³ The ascription of this proposition to Jordanus is dubious — it is probable that a reader linked the two in the Edinburgh manuscript (the *De triangulis* is found on fols. 1r-13v) and the other ascriptions were probably copied from this.

⁶³ In the Utrecht manuscript the annotation (fol. 107v) is *Hec sequens conclusio est pars phyloteigni et debet ei addi*, as well as (fol. 108r) *Trianguli mensurandi regula phyloteigni ... finiuntur*.

Editions

- a. Maximilian Curtze, 'Ueber eine Handschrift der Königl. öffentl. Bibliothek zu Dresden', *Zeitschrift für Mathematik und Physik, Historisch-literarische Abtheilung* 28 (1883) 5-6. Latin text from Dresden, MS. Db. 86, fol. 178r-v.
- b. Marshall Clagett, *Archimedes in the Middle Ages*, vol. 1, Appendix 4: A Medieval Treatment of Hero's Theorem on the Area of a Triangle. Introduction, pp. 635-640; Latin text and English translation, pp. 642-647. Note: this Latin text was first published in Sesto Prete, ed., *Didascaliae* (New York: Rosenthal, 1961), pp. 85-95; introduction, pp. 79-85.

XIII. *Liber de speculis*

Incipit: *Visum rectum esse cuius media terminos recte continuant ...*

- a. Paris, BN, MS. Lat. 10252, fols. 136r-140v; copied by Arnaldus de Bruxella in 1464-1476. Fol. 136r: *Incipit tractatus Jordani de speculis cum comento super eadem*; fol. 140v: *Explicit liber de speculis*.
- b. Oxford, Bod. Lib., MS. Digby 174, fols. 179r-181v; thirteenth century. Title: *Liber de speculis. Jordanus*.

This treatise in most of the many other manuscripts is attributed to Euclid. The title in *b*. Digby 174 was added by John of London (c. 1310 — c. 1364) who was a member of St. Augustine's Abbey at Canterbury to whose library he donated this manuscript.⁶⁴ Since John of London and Arnaldus de Bruxella lived one and two centuries respectively after Jordanus, their ascription of this treatise to him is weak.

The catalogue of Oxford, Bod. Lib., MS. Auct. F. 5. 28, fols. 24r-29r describes this treatise as '[by Jordanus Nemorarius]'⁶⁵ but there is no author indicated in the manuscript itself. Similarly the catalogue of Erfurt, Cod. Amplon. F. 37, fols. 60r-63r has the entry 'Liber de naturis speculorum Iordani cum commento';⁶⁶ but there is no indication in the manuscript of any author.

⁶⁴ William D. Macray, *Catalogi codicum manuscriptorum bibliothecae Bodleianae ... codices ... Digby ...* (Oxford, 1883), cols. 184, 186; A. B. Emden, *Donors of Books to S. Augustine's Abbey, Canterbury* (Oxford, 1969), pp. 11-12.

⁶⁵ Madan, *Summary Catalogue* 2/ 2. 706 (entry 3623).

⁶⁶ Wilhelm Schum, *Beschreibendes Verzeichniss der Amplonischen Handschriften-Sammlung zu Erfurt* (Berlin, 1887), p. 31.

XIV. *Manuscript Errors*

- a. Paris, Mazarine, MS. 3642. The table of contents at the beginning of the manuscript (fol. 2r) lists a *Liber Jordani de astrolabio*, but this item (fols. 55v-69r) is really Hermannus Contractus' (1013-1054) *De compositione astrolabii* (incipit: *Hermannus Christi pauperum peripissima* ...) and is properly identified in the text.
- b. Cambridge, Pepys Lib., MS. 2329, fols. 111va-128ra. This is a copy of Nicole Oresme's *Tractatus de commensurabilitate vel incommensurabilitate motuum celi* edited by Edward Grant in 1971.⁶⁷ The first part is missing in this manuscript — it begins ... *refert et etiam posterius videbitur* ... (Part 1, line 62 of Grant's edition) — but the explicit (fol. 128ra) ascribes it to Jordanus: *Explicit nobilis tractatus magistri Jordani de Nemore de motibus celestibus et cetera*.

XV. *Catalogue Errors*

- a. Erfurt, Cod. Amplon. Q. 348, fols. 4vb-7rb. The catalogue entry⁶⁸ is 'Tractatus eiusdem de canonio' referring to the preceding entry for one of the statical commentaries in which Jordanus is named (fols. 1ra-4vb: Corpus Christi Commentary). The text, however, is the *De canonio* (incipit: *Si fuerit canonium symmetrum magnitudine* ...) as edited by Moody and Clagett in 1952.⁶⁹ There is no reference to Jordanus in the incipit or explicit of the *De canonio* text itself.
- b. Erfurt, Cod. Amplon. Q. 387, fols. 45r-47a. The catalogue entry⁷⁰ is 'Tractatus de canoniis Jordani'. The text, however, is the *De Canonio* as published by Moody and Clagett, preceded by the *Elementa super demonstrationem ponderum* (fols. 44v-45r). There is no reference to any author in the incipit or explicit.
- c. Venice, MS. Lat. VIII-77, fols. 18-19. Attributed by Valentinelli in his 1871 catalogue to 'Joannis de Nemore'.⁷¹ In fact no such name is found in the manuscript; the treatise — incipit: *Nomina instrumentorum astrolabii sunt hec: primum est armilla* ... — is the *Practica astrolabii* of Māshā 'allāh.
- d. El Escorial, Cod. Lat. N. II. 26, fols. 16r-24v; incipit: *Supponatur ab*

⁶⁷ Edward Grant, ed., *Nicole Oresme and the Kinematics of Circular Motion: Tractatus de commensurabilitate vel incommensurabilitate motuum celi* (Madison-Milwaukee-London, 1971).

⁶⁸ Schum, *Erfurt*, p. 581.

⁶⁹ Moody and Clagett, *Medieval Science*, pp. 64-75; introduction, pp. 57-63.

⁷⁰ Schum, *Erfurt*, p. 648.

⁷¹ Valentinelli, *S. Marci Venetiarum* 4. 257.

occulo rectum ... Described in the 1913 catalogue by Antolín as 'Perspectiva eiusdem', referring to Jordanus' *De triangulis* which precedes it.⁷² The text, however, is an optical treatise often ascribed to Euclid, but possibly by Witelo; there are a number of treatises with similar incipits. There is no mention of Jordanus on the folios involved.

- e. Edinburgh, MS: Crawford 1. 27, fols. 25r-41v; Franco of Liège (Franco Leodiensis, eleventh century), *De quadratura circuli* (incipit of prologue: *Ex quo mi papa presulum decus corona ...*). The 1890 catalogue ascribes this treatise to Jordanus for the simple reason that the two treatises preceding it (as distinguished by the editor) were by Jordanus, and that all three were copied in the same hand.⁷³ The treatise is, however, by Franco.

XVI. Errors in the Literature

Several incorrect attributions to Jordanus have appeared from time to time in various articles.

XVI-A. Björnbo and Vogl

In the appendix to Björnbo and Vogl's editions of three optical works early in this century, a number of manuscripts were described.⁷⁴ Within these descriptions were two different texts:

Pseudo-Euclid-Jordanus *De ponderibus* I:

Incipit: *Omnis ponderosi motum esse ad medium ...;*

Pseudo-Euclid-Jordanus *De ponderibus* II:

Incipit: *Equalia corpora in magnitudine sunt que replent loca equalia ...*

The former items are some of the various texts described in part I of this bibliography. The second set, however, is the *Liber Euclidis de ponderoso et levi et comparatione corporum ad invicem*, edited in Moody and Clagett, *Medieval Science*, pp. 23-31.

Those of the latter set thus ascribed in the Björnbo and Vogl article (with the page reference) are:

⁷² Guillermo Antolín, *Catálogo de los códices latinos de la Real Biblioteca del Escorial* 3 (Madrid, 1913), p. 146.

⁷³ *Catalogue of the Crawford Library of the Royal Observatory, Edinburgh* (Edinburgh, 1890), p. 495.

⁷⁴ Axel A. Björnbo and Seb. Vogl, eds., 'Alkindi, Tideus und Pseudo-Euklid. Drei optische Werke', *Abhandlungen zur Geschichte der mathematischen Wissenschaften* 26 (1912).

- a. Paris, BN, MS. Lat. 10260, fols. 137v-138r (page 139).
- b. Dresden, MS. Db. 86, fols. 182v-183r (page 130).
- c. Rome, MS. Gesuitic 419, fol. 98r-v (page 142).
- d. Vatican City, MS. Vat. lat. 2975, fol. 148r-v (page 143).

XVI-B. *Compositum astrolabii*

Vatican City, MS. Pal. lat. 1212, fols. 82r-102r (fifteenth century); incipit; *Nunc videndum de hiis que circa eclipsim solis ...*; explicit: *Et in hoc terminatur compositio astrolabii, deo gratias.*

Lynn Thorndike entitled this section *Compositum astrolabii* and attributed it to Jordanus.⁷⁵ These folios contain a variety of mathematical and astronomical treatises, of which only the last one (fols. 98r-102r) is on astrolabe construction. There is no reference to Jordanus anywhere in the text (nor incipit nor explicit) and the reference found on fol. 102r-v is to his *De plana spera* which follows on fols. 102v-105r.

XVI-C. *Vatican Manuscripts*

Lynn Thorndike in a 1929 *Isis* article on Vatican manuscripts noted 'the following items ascribed vaguely to Jordanus in the long-hand catalogue of the Palatine Collection':⁷⁶

- MS. Pal. lat. 1173: *Experimenta*;
- MS. Pal. lat. 1212: *Astronomica*;
- MS. Pal. lat. 1377: *De ponderibus*;
- MS. Pal. lat. 1380: *De coelis*.

Thorndike also listed the following Vatican manuscripts containing items by Jordanus:

- MS. Ottob. lat. 309, fol. 114: *Tractatus duo de numeris et de minutiis*;
- MS. Ottob. lat. 309, fol. 120: *Elementa arithmetice*;
- MS. Ottob. lat. 2120: Arithmetic in three parts — the *De datis*.

Of these items, MS. Pal. lat. 1212 contains a copy of the *De plana spera* (see also section XV-B, above); MS. Pal. lat. 1377 contains a copy of the *Liber de ponderibus*; MS. Ottob. lat. 2120 contains both Jordanus' *Arithmetica* and his *De numeris datis*; and MS. Ottob. lat. 309 contains the *Communis et consuetus* and the *Tractatus minutiarum* (fols. 114rb-119vb).

⁷⁵ Lynn Thorndike, 'Some Little Known Mathematical Manuscripts', *Osiris* 8 (1949) 41-42.

⁷⁶ Lynn Thorndike, 'Vatican Latin Manuscripts in the History of Science and Medicine', *Isis* 13 (1929-30) 79-80.

MS. Pal. lat. 1173 is a long philosophical treatise, not an 'Experimenta', and there is no reference there to Jordanus. MS. Pal. lat. 1380 does mention Jordanus on its title page, but there is no reference to him in the rest of the manuscript, nor does it contain any treatise written by him. MS. Ottob. lat. 309, fol. 120 is an arithmetical treatise but not Jordanus' *De elementis arismetice artis*, nor his *De numeris datis*; there is no indication of the actual author of this item.

XVI-D. *De quadratura circuli*

Marshall Clagett included as possibly by Jordanus an item in a Cambridge manuscript, in a 1953 list of treatises of which he possessed microfilm copies.⁷⁷ The entry was:

Jordanus de Nemore (?)

De quadratura circuli, inc. 'Proposito circulo quadratum equale describere ...'

CU [i. e. Cambridge University Library, MS.] Ee. 3. 61, 176r-177r.

Since then Professor Clagett has further reported that fol. 176r-v contains 'a very curious, corrupt, and erroneous treatment of the problem of constructing a square equal to a proposed circle'.⁷⁸ Fols. 176v-177v contain a copy of the *Quadratura circuli* usually ascribed to Campanus de Novara (but in this manuscript to Franco of Liège — fol. 176v).⁷⁹ Neither of these items is now ascribed to Jordanus.

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(e): erroneous reference

(n): notes

Schlägl (Aigen-im-Mühlkreis, Austria). Bibliothek des Praemonstratenserstiftes, [Plagens] MS. Cpl. [824] 236 (catalogue entry 126), fifteenth century (c. 1466).⁸⁰ I-C.

⁷⁷ Marshall Clagett, 'Medieval Mathematics and Physics: A Check List of Microfilm Reproductions', *Isis* 44 (1953) 378; repeated in Clagett and Murdoch, 'Medieval Mathematics' (n. 19 above), 24.

⁷⁸ Clagett, *Archimedes* 1. 568 n. 2.

⁷⁹ *ibid.*, pp. 586, 582. The treatise is edited on pp. 588-607.

⁸⁰ Godefreido Vielhaber et al., *Catalogus codicum Plagensium (Cpl.) manuscriptorum* (Linz, 1918), p. 224.

- Vienna. Oesterreichische Nationalbibliothek, Cod. Lat. 4770 (*olim* Rec. 3246); fourteenth⁸¹ or early fifteenth century:⁸² IV-B.
 Cod. Lat. 5203 (*olim* Philos. 387); fifteenth century:⁸³ I-G, II-E, VI-C, VIII.
 Cod. Lat. 5277 (*olim* Philos. 68); copied c. 1525 by J. Vögelin:⁸⁴ II-E, IV-B, VI-A, VI-B.
 Cod. Lat. 5303 (*olim* Philos. 203); fifteenth and sixteenth centuries (1435 and 1520):⁸⁵ IV-B.
 Cod. Lat. 5304 (*olim* Rec. 1677); sixteenth century:⁸⁶ I-D.
 Bruges. Stadsbibliotheek, MS. 530; fourteenth century:⁸⁷ II-A, II-C, V-A.
 Lyons. Bibliothèque Municipale, MS. 328; fourteenth century:⁸⁸ II-B, II-D.
 Paris. Bibliothèque de l'Arsenal, MS. 1035; fifteenth century:⁸⁹ V-C.
 Paris. Bibliothèque Mazarine, MS. 3642 (*olim* 1258); thirteenth century:⁹⁰ I-A, II-A, II-C, IV-B, XIV.
 Paris. Bibliothèque Nationale, MS. Lat. 1025: I-C(e).
 MS. Lat. 3348; end of the twelfth, beginning of the thirteenth century:⁹¹ I-D.
 MS. Lat. 7215; fourteenth century:⁹² I-H.
 MS. Lat. 7310; sixteenth, seventeenth centuries:⁹³ I-E.
 MS. Lat. 7364; fourteenth century:⁹⁴ III.

⁸¹ Academia Caesarea Vindobonensis, *Tabulae codicum manu scriptorum ... in Bibliotheca Palatina Vindobonensis asservatorum* 3 (Vienna, 1869), p. 382.

⁸² Hughes, *De numeris datis* (n. 37 above), p. 111.

⁸³ *Tabulae codicum manu scriptorum* 4 (1870), p. 56.

⁸⁴ G. Eneström, 'Ist Jordanus Nemorarius Verfasser der Schrift "Algorismus demonstratus"?', *Bibliotheca mathematica*, Ser. 3, 5 (1904) 10.

⁸⁵ *Tabulae codicum manu scriptorum* 4 (1870), p. 93.

⁸⁶ *ibid.*, p. 94.

⁸⁷ A. de Poorter, *Catalogue des manuscrits de la Bibliothèque Publique de la ville de Bruges (Catalogue général des manuscrits des bibliothèques de Belgique* 2; Gembloux — Paris, 1934), p. 627.

⁸⁸ *Catalogue général des manuscrits des bibliothèques publiques de France*, vol. 30, Lyon 1 (Paris, 1900), p. 76.

⁸⁹ Axel A. Björnbo, 'Studien über Menelaos' Sphärik', *Abhandlungen zur Geschichte der mathematischen Wissenschaften* 14 (1902) 138.

⁹⁰ Auguste Molinier, *Catalogue des manuscrits de la Bibliothèque Mazarine (Catalogue général des manuscrits des bibliothèques publiques de France. Paris. Bibliothèque Mazarine* 3; Paris, 1890), p. 152.

⁹¹ Bibliothèque Nationale, *Catalogue général des manuscrits latins* 5 (Paris, 1966), p. 256.

⁹² *Catalogus codicum manuscriptorum Bibliothecae Regiae* 4 (Paris, 1744), p. 327.

⁹³ Brown, *Scientia*, p. 14.

⁹⁴ *Catalogus ... Bibliothecae Regiae* 4. 347.

- MS. Lat. 7378A; thirteenth century:⁹⁵ I-C, I-F, III, V-B, VI-B.
 MS. Lat. 7399; fourteenth century:⁹⁶ VII.
 MS. Lat. 7413 (2); thirteenth century:⁹⁷ VI-A.
 MS. Lat. 7434; fourteenth century:⁹⁸ V-C.
 MS. Lat. 8680A; thirteenth century:⁹⁹ I-A, I-F, II-E, IV-A, VI-B, IX(n).
 MS. Lat. 9335; fourteenth century:¹⁰⁰ V-C.
 MS. Lat. 10252; copied by Arnaldus de Bruxella in 1464-1476:¹⁰¹ I-A, XIII.
 MS. Lat. 10260; sixteenth century:¹⁰² I-E, XVI-A.
 MS. Lat. 10266; 1479:¹⁰³ VI-B.
 MS. Lat. 11247; sixteenth century:¹⁰⁴ I-A, VII, IX.
 MS. Lat. 11863; sixteenth century:¹⁰⁵ IV-A.
 MS. Lat. 11885; fourteenth century:¹⁰⁶ III, IV-B.
 MS. Lat. 14737 (*olim* Saint-Victor 843); 1405:¹⁰⁷ III.
 MS. Lat. 16198 (*olim* Sorbonne 976); c. 1362:¹⁰⁸ I-A(e), I-D, III, IX.
 MS. Lat. 16644 (*olim* Sorbonne 1758); thirteenth century:¹⁰⁹ III.
 MS. Lat. 16649 (*olim* Sorbonne 1832); dated 1519:¹¹⁰ I-A, III.
 Berlin (East). Deutsche Staatsbibliothek, MS. Hamilton 692; c. 1500:¹¹¹ III (translation).

⁹⁵ Moody and Clagett, *Medieval Science*, p. 173; but Clagett (*Archimedes* 1. xxvi) also says fourteenth century.

⁹⁶ *Catalogus ... Bibliothecae Regiae* 4. 352.

⁹⁷ Björnbo, 'S. Marcohandschriften' (n. 44a above) 12 (1911-12) 201 n.; *Catalogus ... Bibliothecae Regiae* 4. 354 says fourteenth century.

⁹⁸ *Catalogus ... Bibliothecae Regiae* 4. 358.

⁹⁹ Pierre Duhem, 'Sur l'Algorithmus demonstratus', *Bibliotheca mathematica*, Ser. 3, 6 (1905) 9.

¹⁰⁰ Björnbo, 'Menelaos' Sphärik', 137.

¹⁰¹ Charles Samaran and Robert Marichal, *Catalogue des manuscrits en écriture latine ... 3: Bibliothèque Nationale, fonds latin nos 8001 à 18613* (Paris, 1974), p. 157.

¹⁰² Léopold Delisle, *Inventaire des manuscrits conservés à la Bibliothèque Impériale, sous les numéros 8823-11503 du fonds latin* (Paris, 1863), p. 67.

¹⁰³ Fol. 141r (pencil, 156r).

¹⁰⁴ Delisle, *Inventaire ... 8823-11503*, p. 116.

¹⁰⁵ Hughes, *De numeris datis* (n. 37 above), p. 113; Léopold Delisle, *Inventaire des manuscrits de Saint-Germain-des-Prés, conservés à la Bibliothèque Impériale, sous les numéros 11504-14231 du fonds latin* (Paris, 1868), p. 25 says sixteenth and seventeenth centuries.

¹⁰⁶ Delisle, *Inventaire ... Saint-Germain-des-Prés*, p. 27.

¹⁰⁷ Samaran and Marichal, 3. 381.

¹⁰⁸ *ibid.*, p. 703.

¹⁰⁹ Léopold Delisle, *Inventaire des manuscrits de la Sorbonne conservés à la Bibliothèque Impériale, sous les numéros 15176-16718 du fonds latin* (Paris, 1870), p. 72.

¹¹⁰ fol. 9r.

¹¹¹ Helmut Boese, *Die lateinischen Handschriften der Sammlung Hamilton zu Berlin* (Wiesbaden, 1966), p. 334.

- Berlin (West). Staatsbibliothek Preussischer Kulturbesitz (*olim* Königliche Bibliothek, and Preussische Staatsbibliothek), MS. Lat. quarto 510 (*olim* Philipps 16345); thirteenth century:¹¹² II-B, II-D, VII.
 MS. Lat. oct. 153 (*olim* Philipps 6904); fourteenth century:¹¹³ III.
 Dresden. Sächsische Landesbibliothek, MS. C. 80; dated 1485:¹¹⁴ II-C(e), IV-C, VII.
 MS. Db. 86; beginning of the fourteenth century:¹¹⁵ I-A, I-B, I-F, II-B, II-D, III, IV-A, V-B, VI-A, VII, IX, XII, XVI-A.
 Erfurt. Wissenschaftliche Allgemeinbibliothek, Cod. Amplon. F. 37; late thirteenth to second half of fourteenth century:¹¹⁶ I-F, XIII.
 Cod. Amplon. F. 375; middle or late fourteenth century:¹¹⁷ IX.
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 Cod. Amplon. Q. 325; middle and end of the fourteenth century:¹¹⁹ I-C.
 Cod. Amplon. Q. 348; middle and late fourteenth century:¹²⁰ I-B, XV.
 Cod. Amplon. Q. 349; fourteenth century:¹²¹ VI-A.
 Cod. Amplon. Q. 376; c. 1349:¹²² I-C, I-F, VII.
 Cod. Amplon. Q. 385; beginning of the second half of the fourteenth century:¹²³ I-C, I-G.
 Cod. Amplon. Q. 387; beginning of the second half of the fourteenth century:¹²⁴ I-A, I-C, I-G, XV.
 Göttingen. Universitätsbibliothek, Cod. Lat. philos. 30; dated 1545-1548:¹²⁵ IV-C.

¹¹² Clagett, 'Liber de motu', 111.

¹¹³ *Catalogus librorum manuscriptorum in bibliotheca D. Thomae Philipps Bart.* (1837), p. 104.

¹¹⁴ Hughes, *De numeris datis* (n. 37 above), p. 123.

¹¹⁵ Maximilian Curtze, 'Ueber eine Handschrift der Königl. öffentl. Bibliothek zu Dresden', *Zeitschrift für Mathematik und Physik, Historisch-literarische Abtheilung* 28 (1883) 1.

¹¹⁶ Schum, *Erfurt*, p. 30.

¹¹⁷ *ibid.*, p. 259.

¹¹⁸ *ibid.*, p. 266.

¹¹⁹ *ibid.*, p. 559.

¹²⁰ *ibid.*, p. 581.

¹²¹ *ibid.*, p. 583.

¹²² *ibid.*, p. 629.

¹²³ *ibid.*, p. 641.

¹²⁴ *ibid.*, p. 648.

¹²⁵ *Verzeichniss der Handschriften im preussischen Staate, I: Hannover, 1: Göttingen 1 (Universitätsbibliothek)* (Berlin, 1893), p. 144.

- Munich. Bayerische Staatsbibliothek, CLM 92; sixteenth century:¹²⁶ I-C, I-G.
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 Wolfenbüttel. Herzog-August Bibliothek, MS. 24. Aug. 4^{to} (catalogue entry 3301); fifteenth century:¹²⁹ I-G.
 Dublin. Trinity College Library, MS. 403 (*olim* D. 2. 29); mid-fifteenth century:¹³⁰ I-F, VI-B.
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 MS. Conv. soppr. J. I. 37 (*olim* San Marco 199); fifteenth century:¹³⁴ III.
 MS. Conv. soppr. J. IV. 29 (*olim* San Marco 211); fifteenth century:¹³⁵ I-D.
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¹²⁶ *Catalogus ... Bibliothecae Regiae Monacensis* 1/ 1. 25.

¹²⁷ Maximilian Curtze, 'Urkunden zur Geschichte der Trigonometrie im christlichen Mittelalter', *Bibliotheca mathematica*, Ser. 3, 1 (1900) 353.

¹²⁸ Gisela Kornrumpf and Paul-Gerhard Völker, *Die deutschen mittelalterlichen Handschriften der Universitätsbibliothek München* (Wiesbaden, 1968), p. 175; date on fol. 141r.

¹²⁹ Otto von Heineman, *Die Handschriften der Herzoglichen Bibliothek zu Wolfenbüttel. Zweite Abtheilung: Die Augusteischen Handschriften 4* (Wolfenbüttel, 1900), p. 333.

¹³⁰ New catalogue in preparation; T. K. Abbott (*Catalogue of the Manuscripts in the Library of Trinity College, Dublin* (Dublin — London, 1900), p. 62) says sixteenth century.

¹³¹ Björnbo and Vogl, 'Drei optische Werke', 144.

¹³² *ibid.*, p. 147.

¹³³ Björnbo, 'S. Marcohandschriften' (n. 44a above), 12 (1911-12) 206.

¹³⁴ *ibid.*, 193.

¹³⁵ *ibid.*, 214.

¹³⁶ *ibid.*, 218.

¹³⁷ *ibid.* 4 (1903) 241.

¹³⁸ Moody and Clagett, *Medieval Science*, p. 293.

- MS. Conv. soppr. J. X. 40 (*olim* San Marco 201); fifteenth century:¹³⁹ V-B, VI-C.
- Florence. Biblioteca Riccardiana, MS. 885; fourteenth century:¹⁴⁰ V-C.
- Milan. Biblioteca Ambrosiana, MS. A. 183. inf.; fourteenth century:¹⁴¹ V-A.
- MS. A. 203. inf.: VII (e).
- MS. C. 241. inf.; copied in Paris in 1401 by Master Johannes Contarini de Venetiis:¹⁴² III.
- MS. D. 186. inf.; fourteenth century:¹⁴³ III, IV-B.
- MS. R. 47. sup.; thirteenth century:¹⁴⁴ I-A.
- MS. T. 100. sup.; beginning of the fourteenth century:¹⁴⁵ I-E.
- Naples. Biblioteca Nazionale 'Vittorio Emanuele III', MS. [Borbon.] VIII. C. 22; thirteenth century:¹⁴⁶ II-B, II-D.
- Rome. Biblioteca Nazionale Centrale 'Vittorio Emanuele II', MS. Gesuitic 419 (also n° 2548; *olim* Cod. Coll. Rom. H. C. 93); sixteenth century:¹⁴⁷ I-E, XVI-A.
- Venice. Biblioteca Nazionale Marciana, MS. Lat. VIII-32 (also n° 3348); fourteenth century:¹⁴⁸ VI(n), VI-B.
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¹³⁹ Björnbo, 'S. Marcohandschriften' 12 (1911-12) 201.

¹⁴⁰ *Inventario e stima della Libreria Riccardi* (Florence, 1810), p. 21.

¹⁴¹ Astrik L. Gabriel, *A Summary Catalogue of Microfilms of One Thousand Scientific Manuscripts in the Ambrosian Library, Milan* (Notre Dame, 1968) item 33 (citing the Ceruti catalogue, now being published in facsimile: *Inventario Ceruti dei manoscritti della Biblioteca Ambrosiana* 1 (Trezzano s. N., 1973), 1 [A inf. — E. inf.], p. 97).

¹⁴² Fol. 27r: *scripta parisiis* (sic) *anno domini millesimo quadringentesimo primo per magistro iohanne contareno de venetiis protunc ibidem studio theologie insudanti*. For Contarini see also Anneliese Maier, *Ausgehendes Mittelalter* 1 (Rome, 1964), p. 230 and Elisabeth Pellegrin, 'Notes sur divers manuscrits latins des bibliothèques de Milan', *Bulletin d'information de l'Institut de recherche et d'histoire des textes* 7 (1958) 12.

¹⁴³ Barnabas B. Hughes, 'Toward an Explication of Ambrosiana MS D 186 Inf.', *Scriptorium* 26 (1972) 126.

¹⁴⁴ Gabriel, *Summary Catalogue*, item 835, citing the Ceruti catalogue.

¹⁴⁵ Björnbo and Vogl, 'Drei optische Werke', 123. Gabriel, item 925, cites the Ceruti catalogue as fifteenth century.

¹⁴⁶ Clagett, '*Liber de motu*', 111.

¹⁴⁷ Björnbo and Vogl, 'Drei optische Werke', 141.

¹⁴⁸ Valentinelli, *S. Marci Venetiarum* 4. 266.

¹⁴⁹ *ibid.*, p. 257.

¹⁵⁰ *ibid.*, p. 218.

- Utrecht. Bibliotheek der Rijksuniversiteit, MS. 725 (also 6. A. 3); fifteenth century:¹⁵¹ I-F, VI-B, XII.
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- MS. 1924 (*olim* BB XXV 11); thirteenth or fourteenth century:¹⁵³ II-A, II-C, IV-B, VII, IX.
- Toruń. Książnica Miejska im. Kopernika (*olim* Königliche Gymnasialbibliothek), MS. R. 4^o. 2; fourteenth century:¹⁵⁴ I-A.
- Barcelona. Biblioteca Central de la Diputació de Barcelona, MS. 242; fifteenth century:¹⁵⁵ I-C, I-G.
- El Escorial. Real Biblioteca de San Lorenzo de El Escorial, Cod. Lat. N. II. 26; sixteenth century:¹⁵⁶ I-C, I-F, V-B, XV.
- Madrid. Biblioteca Nacional, MS. 9119 (*olim* A. a. 30); fifteenth century:¹⁵⁷ I-F.
- MS. 10053 (*olim* Toledo, Biblioteca de la Catedral, MS. 98-21); thirteenth century:¹⁵⁸ VI-A.
- Salamanca. Biblioteca de la Universidad de Salamanca, MS. 2019; fourteenth century:¹⁵⁹ I-C.
- Toledo. Biblioteca de la Catedral, MS. 98-22; fourteenth century:¹⁶⁰ VII.
- Basel. Oeffentliche Bibliothek der Universität Basel, MS. F. II. 33; mid-fourteenth century:¹⁶¹ I-F, I-G, II-E, III, IV-A, V-B, VI-A, VI-B.
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¹⁵¹ *Catalogus codicum manu scriptorum Bibliothecae Universitatis Rheno-Trajectinae* 1 (Utrecht — The Hague, 1887), p. 190.

¹⁵² Wistocki, *Katalog Rękopisów*, p. 177.

¹⁵³ *ibid.*, p. 461.

¹⁵⁴ Maximilian Curtze, 'Ueber die Handschrift R. 4^o. 2, *Problematum Euclidis explicatio* der Königl. Gymnasialbibliothek zu Thorn', *Zeitschrift für Mathematik und Physik*, Supplement, 13 (1868) 46.

¹⁵⁵ *Cincuenta años de la antigua biblioteca de Catalunya* (Barcelona, 1968), p. 132.

¹⁵⁶ Antolín, *El Escorial* 3. 146.

¹⁵⁷ Archimedes, *Opera omnia*, ed. J. L. Heiberg, 3 (Leipzig, 1915), p. lxi.

¹⁵⁸ José M^a Millás Vallicrosa, *Las traducciones orientales en los manuscritos de la Biblioteca Catedral de Toledo* (Madrid, 1942), p. 180.

¹⁵⁹ Guy Beaujouan, *Manuscrits scientifiques médiévaux de l'Université de Salamanque ...* (Bibliothèque de l'École des Hautes Études Hispaniques 32; Bordeaux, 1962), p. 92.

¹⁶⁰ Millás Vallicrosa, *Traducciones*, p. 202.

¹⁶¹ Björnbo and Vogl, 'Drei optische Werke', 124.

¹⁶² Montague R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Gonville and Caius College* 2 (Cambridge, 1908), p. 572.

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- Cambridge. Trinity College Library, MS. o. 2. 5 (catalogue entry 1109); fourteenth century:¹⁶⁵ I-A.
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- MS. Gg. VI. 3 (catalogue entry 1572); fourteenth century:¹⁶⁷ IV-B.
- MS. Ii. V. 41 (catalogue entry 1876); fourteenth century:¹⁶⁸ III.
- MS. Kk. I. 1 (catalogue entry 1935); mainly thirteenth century:¹⁶⁹ VI-A, VII.
- MS. Mm. III. 11 (catalogue entry 2327); fifteenth century:¹⁷⁰ I-B, I-F.
- Edinburgh. Royal Observatory Library, MS. Crawford 1. 27 (*olim* 9. 13. 4-2 and o. o. 3); mid-thirteenth century:¹⁷¹ I-F, V-A, XII, XV.
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- MS. Harley 13; early fourteenth century:¹⁷³ I-F, VI-B.
- MS. Harley 625; fourteenth century:¹⁷⁴ V-B.
- MS. Harley 4350; mid-thirteenth century:¹⁷⁵ VI-A, VI-B.
- MS. Harley 4975; fourteenth century:¹⁷⁶ III.
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¹⁶⁷ *A Catalogue of the Manuscripts Preserved in the Library of the University of Cambridge* 3 (Cambridge, 1858), p. 215.

¹⁶⁸ *ibid.*, p. 494.

¹⁶⁹ *ibid.*, p. 547.

¹⁷⁰ *ibid.* 4 (Cambridge, 1861), p. 181.

¹⁷¹ *Catalogue of the Crawford Library of the Royal Observatory, Edinburgh* (Edinburgh, 1890), p. 494.

¹⁷² fol. 172v.

¹⁷³ Emden, *Donors*, p. 41.

¹⁷⁴ Andrew G. Watson, 'The Provenance of John Dee's Manuscript of the *De superficialium divisionibus* of Machometus Bagdedinus', *Isis* 64 (1973) 383.

¹⁷⁵ S. Harrison Thomson, *The Writings of Robert Grosseteste* (Cambridge, 1940), p. 116.

¹⁷⁶ *A Catalogue of the Harleian Manuscripts in the British Museum* 3 (London, 1808), p. 234.

¹⁷⁷ Edward J. L. Scott, *Index to the Sloane Manuscripts in the British Museum* (London, 1904), p. 390.

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 MS. Ottob. lat. 2130: IV(e).
 MS. Pal. lat. 1173: XVI-C.

¹⁷⁹ Madan, *Summary Catalogue* 2/2. 706 (entry 3623).

¹⁸⁰ Henry O. Coxe, *Catalogus codicum mss. qui in collegiis aulisque Oxoniensibus hodie adservantur* 2: *Collegii Corporis Christi* (Oxford, 1852), p. 95.

¹⁸¹ *ibid.*, p. 104.

¹⁸² Macray, *Catalogi ... Digby*, col. 63.

¹⁸³ Clagett, *Archimedes* 1. xx; but Macray (*Catalogi ... Digby*, col. 184) simply says twelfth to fourteenth centuries.

¹⁸⁴ Macray, *Catalogi ... Digby*, col. 201.

¹⁸⁵ Madan, *Summary Catalogue* 2/ 2. 1106 (entry 6567). See note by R. W. Hunt in D. A. Callus, ed., *Robert Grosseteste, Scholar and Bishop* (Oxford, 1955), p. 134.

¹⁸⁶ Coxe, *Catalogus ... Oxoniensibus* 2: *Collegii S. Johannis Baptistae*, p. 63.

¹⁸⁷ C. U. Faye and W. H. Bond, *Supplement to the Census of Medieval and Renaissance Manuscripts in the United States and Canada* (New York, 1962), p. 255.

¹⁸⁸ Hughes, 'Johann Scheubel's Revision', 223.

¹⁸⁹ Seymour de Ricci and W. J. Wilson, *Census of Medieval and Renaissance Manuscripts in the United States and Canada* 1 (New York, 1935), p. 883.

¹⁹⁰ Iohannes Mercati and Pius Franchi de' Cavalieri, *Codices Vaticani graeci* 1 (Rome, 1923), p. 210.

¹⁹¹ Eneström, 'Bruchrechnen', 41.

¹⁹² Grant, 'Jordanus de Nemore', 178a.

¹⁹³ Hughes, *De numeris datis* (n. 37 above), p. 111 (erroneously listed as 2130).

- MS. Pal. lat. 1212; fifteenth century:^{193a} VI-C, XVI-B, XVI-C.
 MS. Pal. lat. 1377; fourteenth, fifteenth centuries:¹⁹⁴ I-C, XVI-C.
 MS. Pal. lat. 1380: XVI-C.
 MS. Pal. lat. 1389; fifteenth century:^{194a} VI-C.
 MS. Reg. lat. 1186: I-A.
 MS. Reg. lat. 1261; fourteenth, fifteenth centuries:¹⁹⁵ I-D, I-F, II-E, VI(n), VI-B, IX(n), XII.
 MS. Reg. lat. 1268; fourteenth century:¹⁹⁶ II-A, II-C(n), V-C.
 MS. Vat. lat. 2185; 1355 to 1357:¹⁹⁷ I-C.
 MS. Vat. lat. 2975; sixteenth century:¹⁹⁸ I-E, XVI-A.
 MS. Vat. lat. 3012: I-F(e).
 MS. Vat. lat. 3096; fourteenth century:¹⁹⁹ VI-A, XI.
 MS. Vat. lat. 3102; fourteenth century:²⁰⁰ I-C, I-F, I-G.
 MS. Vat. lat. 4275; fourteenth or fifteenth century:²⁰¹ II-B, II-D, IV-A.
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^{193a} Lynn Thorndike, 'Some Little Known Astronomical and Mathematical Manuscripts', *Osiris* 8 (1948) 42.

¹⁹⁴ Björnbo and Vogl, 'Drei optische Werke', 134.

^{194a} Clagett, *Archimedes*, 1. xxviii.

¹⁹⁵ Moody and Clagett, *Medieval Science*, p. 172; Duhem ('Algorithmus demonstratus', 12) gives 1350-1375 for fols. 266v-289r.

¹⁹⁶ Björnbo, 'Menelaos' Sphärik', 138.

¹⁹⁷ Anneliese Maier, *Codices Vaticani Latini, codices 2118-2192* (Vatican City, 1961), p. 191.

¹⁹⁸ Moody and Clagett, *Medieval Science*, p. 317.

¹⁹⁹ Björnbo, 'S. Marcohandschriften' (n. 44a above), 12 (1911-12) 201 n.

²⁰⁰ Clagett, *Archimedes* 1. xix.

²⁰¹ Lynn Thorndike, *A History of Magic and Experimental Science* 3 (New York, 1934), p. 400 n. 8.

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*Addendum*IV. *De numeris datis*

Ghost Editions

d. Nuremberg 1537.

Marguerite Aron lists a Nuremberg 1537 edition of the *De lineis* (sic) *dati*s in her biography of Jordanus de Saxonia (*Un animateur de la jeunesse au XIII^e siècle* (Paris, 1930), p. 51; translated as *Saint Dominic's Successor* (London, 1955), p. 26). Such an edition, however, has never otherwise been identified.

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THE CASE OF WAGHEN VS. SUTTON:
CONFLICT OVER BURIAL RIGHTS
IN LATE MEDIEVAL ENGLAND*

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I

THE CASE

AMONG the records preserved in the archives of the Dean and Chapter of York is MS. M2(3)c, containing the *acta* from a single instance moved before the official of the Consistory Court of York during the months of November 1429 to February 1431,¹ as well as additional material relevant to this case. This manuscript is of special interest, not, primarily, because of the intrinsic merits of the case itself, which represents one stage in a century-long dispute over burial rights between a church and its dependent chapel in the diocese of York, but because of the unusually complete record of a case heard by a medieval ecclesiastical court preserved in it.

To the scholar interested in the ecclesiastical courts of medieval England, the unsatisfactory amount of information incorporated into the permanent record is all too familiar; the typical act book from these courts provides only the bare outlines of the cases heard, and as one editor has said, 'omits nearly everything of interest in the causes record-

* A section of this article was presented as a paper at the Tenth Conference on Medieval Studies at Western Michigan University.

¹ To avoid confusion concerning the duration of this case, where appropriate the dates from the manuscript have been changed to accommodate the difference between the medieval English reckoning of the calendar and modern usage.

ed'.² From such records it would not be unusual for the historian to know that in a given case a certain witness testified on behalf of one of the parties, and have no idea of what he said, or that a particular document was admitted by the court as evidence, without being given any details of its contents.

The case of Waghen vs. Sutton, however, stands in sharp contrast to the usual pattern. The material incorporated into M2(3)c was compiled from several sources, and includes both the type of entry common to the act books, introducing each stage of the case, and copies of the legal instruments produced by both sides in the course of the proceedings.³ With a few minor exceptions, every relevant document is included: libel, positions, interrogatories, testimony of witnesses, and even material from the registers of previous archbishops of York introduced as evidence. This manuscript, therefore, represents an unusual opportunity for studying a particular medieval court and analysing the basis on which judgment was rendered.

But before proceeding to the case itself, a brief summary of the developments prior to this action seems necessary in order to understand better the complexities of the dispute at issue in 1429-31.

The stage was actually being set for the fifteenth-century instance as early as 1150. That year William, earl of Aumale, granted the church of Waghen,⁴ in the wapentake of Holderness, Yorkshire East Riding, to the nearby abbey of Meaux. Ten years later the same William confirmed a grant of the church of Waghen, with its dependent chapel in the village of Sutton, to the abbey of St. Martin D'Auchy, Aumale, the original gift having been made by his father, Stephen, in 1115.⁵ William's actions

² Charles Johnson, ed., *Registrum Hamonis Hethe diocesis Roffensis A.D. 1319-1352* (Canterbury and York Society, 1948), 2.911. See also Irene Churchill, *Canterbury Administration* (London, 1933), 1.452-3; Colin Morris, 'A Consistory Court in the Middle Ages', *Journal of Ecclesiastical History* 14 (1963) 157; Claude Jenkins, *Ecclesiastical Records* (London, 1920), pp. 32ff.; E. F. Jacob, *The Medieval Registers of Canterbury and York* (London, 1953), pp. 3-16.

³ The medieval ecclesiastical courts were required to make several copies of the instruments submitted in the course of the proceedings; see C. R. Cheney, *English Bishops' Chanceries 1100-1250* (Manchester, 1950), p. 132; that this was dutifully carried out in the Waghen case is clear from the words of the process describing the closing moments of the instance: 'decretum est quod dimissis veris copiis huiusmodi exhibitorum ipsa originalia exhibita retradantur...' (M2(3)c, 13v). For the unusually large number of these documents preserved in the archives of the Dean and Chapter of York see Charles Donahue, Jr., 'Roman Canon Law in the Medieval English Church: Stubbs vs. Maitland Re-examined after 75 Years in the Light of Some Records from the English Courts', *Michigan Law Review* 72 (1974) 656-8.

⁴ Modern spelling: Wawne.

⁵ K. J. Allison, ed., *The Victoria History of the Counties of England: A History of Yorkshire East Riding* 1 (Oxford, 1969), p. 305. Hereafter cited as *VCH*.

prompted a lengthy dispute between the two abbeys over rights to the advowson of Waghen until 1228, when an exchange was negotiated between Aumale and the archbishop of York; in 1230 the church of Waghen was annexed to the chancellorship of York.⁶ Previously the abbey of Meaux had paved the way for this settlement when, provoked by an attempt by the husband of the countess of Aumale to usurp its right of presentment to Waghen, it granted the advowson to the archbishop of York in 1227.⁷

The patronage of Waghen was eventually divided into medieties: that of Waghen itself was retained by the chancellor of York, who, as rector, presented a perpetual vicar to the living;⁸ the other, the advowson of the chapel at Sutton, was granted by Archbishop Gray to Saer de Sutton in 1246, and from that date at least the incumbency of the chapel of St. James at Sutton was in the gift of the Sutton family.⁹

The relationship between the church of Waghen and its dependent chapel was further complicated by the decision of a member of this family to found a college. In 1346 Sir John de Sutton obtained a licence in mortmain for this purpose, and within a year the chapel at Sutton had been converted into a college under a constitution drawn up by Archbishop William la Zouche. This constitution provided for a master, appointed by the Sutton family, and five chaplains, who were to reside in the rectory at Sutton and receive the tithes; the inhabitants of the villages of Sutton and Stanefery were to be under the care of the master. The rights of the chancellor of York and his church of Waghen were, however, to be protected: the chancellor was to receive an annual pension from the college, and all mortuaries and oblations were to belong to Waghen.¹⁰ In 1380 a new constitution was drawn up: two clerks were added to the personnel of the college, with one to receive

⁶ An account of the dispute between the two abbeys can be found in Edward A. Bond, ed., *Chronica Monasterii de Melsa* 1 (London, 1866), p. 218; *VCH*, pp. 305-6; see also p. 163 n. 110. The special relationship between the chancellor of York and the church of Waghen, reflected in an entry in Dean and Chapter Library MS. L2(3)a ordering the vicar of Waghen to induct John Rykinghale as chancellor (15 September 1410), may be the chief reason behind the prolonged litigation over burial rights between Waghen and Sutton, especially in view of the fact that such a small percentage of cases brought before the medieval ecclesiastical courts ever reached sentencing; on this point see Morris, 'A Consistory Court', 157-8. The annexation of Waghen church to the chancellorship is recorded in James Raine, ed., *The Register or Rolls of Walter Gray Lord Archbishop of York* (Durham, 1872), p. 52; cf. MS.M2(3)c, 166.

⁷ *Chronica de Melsa* 1.296-8; M2(3)c, 152v.

⁸ M2(3)c, 2v.

⁹ *Reg. Gray*, pp. 201-202.

¹⁰ MS.M2(3)c, 171-178v.

the parochial alms; one of the five chaplains was to have the cure of souls of the parishioners, with an annual stipend. Again a clause was inserted protecting the interests of Waghen church and of the chancellor.¹¹

It is these rights which are at issue in 1429; by that time, however, the lines of the dispute between Sutton and Waghen were already long established. The initial encroachment by the college of Sutton upon the parochial rights of the church of Waghen occurred within a few years of the former's foundation: Archbishop Zouche, following an investigation made by the dean of Holderness upon a complaint from William de Burton-Lenard, vicar of Waghen, found it necessary to order the master and chaplains of the college at Sutton to desist from burying inhabitants of the villages of Sutton and Stanefery in the chapel or cemetery at Sutton, and to exhume the bodies of those unlawfully buried there and return them with the offerings made at the time of burial to the parish church of Waghen.¹² In 1402 an extensive inquiry into the right of burial of the inhabitants of these villages was conducted by John Schefford, examiner general to the court of York, again apparently upon the complaint of the incumbent at Waghen.¹³ Finally, certain inferences within the proceedings before the Consistory Court in 1429-31 suggest that in the interval between 1402 and 1429 at least one action over this issue was brought before the court of York.¹⁴

The case of 1429-31, as recorded by MS. M2(3)c, begins with the appointment of proctors for both sides: William Driffeld for Robert Tyas, vicar of Waghen, constituted *apud acta*, or before the court, on 14 April 1428;¹⁵ John Willyngham, John Lepington and William Bispham for the master and chaplains of Sutton, appointed at Sutton 14 September 1429.¹⁶

On 15 November 1429 the substance of the case was introduced

¹¹ *ibid.*, 155-159v.

¹² *ibid.*, 166v-170. The account in the *VCH*, p. 306, incorrectly attributes this entry to Archbishop William Booth. The exhumation order issued by William Zouche can be seen as another indication of the priority given to the protection of the rights of the church of Waghen, since Zouche otherwise demonstrated a great concern for the need for more cemeteries in response to the devastation caused by the plague (which reached Yorkshire early in 1349); see James Raine, ed., *The Historians of the Church of York 3* (London, 1894), pp. 268-71, and Philip Ziegler, *The Black Death* (London, 1969), pp. 186-90.

¹³ M2(3)c, 179-233.

¹⁴ See p. 154 n. 57, and p. 165 n. 125.

¹⁵ M2(3)c, 14.

¹⁶ *ibid.*, 14r-v.

before the court of York with the submission of the *libellus* by Driffeld, stating the complaint of the actor. It was the contention of Robert Tyas that contrary to an agreement made between himself and Robert Merflete, master of the college of Sutton, allowing the latter to bury inhabitants of the villages of Sutton, Stanefery and Lopholme who so chose at Sutton, but reserving the *portio canonica* to Waghen, the said master had repeatedly buried at Sutton inhabitants of these three villages who had not specifically chosen to be buried outside the parish church of Waghen, including a number of children, and moreover, had kept the oblations owed to Waghen. The libel went on to state that Robert Merflete knowingly violated his oath, and requested that the bodies of those unlawfully buried at Sutton be exhumed, and the oblations or their equivalent restored to Waghen.¹⁷

After certain dilatory exceptions were submitted by the proctor for the defense,¹⁸ and a warning issued by the court not to delay the proceedings any further,¹⁹ the suit was negatively contested on 4 December.²⁰ At this point, the *litis contestacio*, the issue was actually joined between the actor and the defendents, and after the usual oaths were sworn by both parties, the proctors for both sides proceeded with their presentations.

The next court date was set for Saturday, 10 December 1429, at which time the proctor for Robert Tyas offered sixteen articles or positions to support the allegations made in the libel, and requested the proctor for Robert Merflete to respond to them individually.²¹ These positions or articles are in effect a reiteration of the assertions made in the *libellus*, with a few added details. For example, the main allegation is still that the master of the college at Sutton violated an agreement with the vicar of Waghen over the right of burial at Sutton;²² we now know, however, the date of this agreement (19 January 1429),²³ and the names of those buried unlawfully at Sutton after this agreement was reached.²⁴ In the articles it is again alleged that the master and chaplains of Sutton kept oblations owed to Waghen, and when requested to make restitution, refused.²⁵ But in addition, it is asserted

¹⁷ *ibid.*, 15-16v.

¹⁸ *ibid.*, 16v-17; 11.

¹⁹ *ibid.*, 11.

²⁰ *ibid.*, 11.

²¹ *ibid.*, 17, 11.

²² *ibid.*, 17-19v.

²³ *ibid.*, 18.

²⁴ *ibid.*, 19v.

that from the time of its foundation, or at least from the time of the murder of a certain man in its cemetery, the chapel at Sutton was a profane place, unsuitable for Christian burial,²⁶ and that the master used unfair means to induce villagers from Sutton, Stanefery and Lopholme to choose to be buried in the chapel, and not at the parish church of Waghen.²⁷

Willyngham, responding to the articles of the actor, conceded that an agreement had been made between his client and Robert Tyas, but denied the remaining articles.²⁸

Before witnesses and documentary evidence were produced to support the positions of either side, the opposing proctor was given the opportunity to submit interrogatories, outlining the details to be included in the testimony, and concerned mainly with the *causa sciencie* of each witness. As an example, the interrogatory for article eight of the Waghen positions asks if the witness was present when oblations were received by master Robert, in what amount were they, did he see the master keep them, and what year, month, day and hour was this done?²⁹

In this phase of the proceedings, the proctor for Robert Tyas produced only three witnesses to support the claims made in the preceding positions. Compared with the interrogatories of the defense, the testimony of these witnesses is conspicuously lacking in detail.³⁰ Consider, for instance, that of John Halyday, who testified that he believed articles one through six, and eight through twelve, were true, but gave as his *causa sciencie* either the fact that it was common knowledge in the parish of Waghen, or that he had often heard the vicar swear that it was so. He did place the date of the agreement at approximately the right time (but this was the one point conceded by the Sutton side, and therefore is not particularly significant); he also volunteered the information that the master and chaplains had buried three children of William Tropmell and two of Simon Waynflete, among others, in violation of the agreement, as well as naming the parish boundaries of Waghen, within which, he said, the chapel of Sutton was

²⁵ *ibid.*, 18v-19.

²⁶ *ibid.*, 18.

²⁷ *ibid.*, 18v.

²⁸ *ibid.*, 17v.

²⁹ *ibid.*, 20v.

³⁰ The proctor for the actor was given additional time to produce more witnesses, which he failed to do; *ibid.*, 11.

located. However, these in effect represent the only real details in an account which is otherwise less than informative.³¹

In the court session immediately following the admission of these witnesses John Willyngham was given the opportunity to respond to the positions of the actor, and in this case did so by means of a *factum contrarium*.³² This reply seems to be analogous to the *libellus*, in the sense that it is a general statement of the points which will later be given in more detail in the articles or positions of the defense. Here Willyngham's rebuttal followed two main lines: the first, that for sixty years and more Sutton had been a parish church, complete with all the usual parochial insignia, duties and rights, not the least of which was the right of free burial (irrespective of any agreement with Waghen); the second, that had there indeed been an agreement made with the vicar of Waghen, the master and chaplains of Sutton did not exceed its provisions.³³

After this reply was admitted by the court, a term was given to William Driffeld to produce additional witnesses; when he failed to do so, the focus of the case shifted to the defense, with Willyngham in his turn being given a term in which to prove the allegations made in the *factum contrarium*.³⁴

On 13 January the proctor for the master and chaplains of Sutton submitted to the court the articles or positions of the defense. Numbering twenty-six, they are for the most part a more orderly restatement of the response made to the first articles, and fall into the broad categories outlined above. The first sixteen are concerned with the different criteria by which Sutton should be considered a parochial church in its own right; some of the more important assertions include the claim to free burial of all parishioners,³⁵ including children if the parents consent, to the right to receive oblations,³⁶ as well as tithes,³⁷ by ordinance of Archbishop Alexander Neville, to parish boundaries distinct from those of Waghen,³⁸ and the claim that Sutton has for some time past been governed *per rectores clericos seculares*.³⁹ This last statement

³¹ *ibid.*, 21r-v.

³² *ibid.*, 11.

³³ *ibid.*, 23-24v.

³⁴ *ibid.*, 11.

³⁵ *ibid.*, 25v.

³⁶ *ibid.*, 26.

³⁷ *ibid.*, 26r-v.

³⁸ *ibid.*, 26.

³⁹ *ibid.*, 25v.

is interesting chiefly because it provoked the only recorded response of the opposing proctor.⁴⁰ Articles seventeen through twenty-three deal with the agreement and its ramifications. Aside from the already-mentioned disclaimer that the master and chaplains had violated the agreement, the most significant fact that emerges from these articles is that some time after the alleged composition was ratified by both parties, a dispute arose involving them and the parishioners of Sutton over the question of whether or not parents could choose to have their children buried at Sutton, which was later arbitrated by John Selowe, vicar general of York.⁴¹

As expected, the interrogatories supplied by Driffeld are generally aimed at forcing the witnesses to give specific details relating to each of the articles: who? when? where? how do you know? Most of the material speaks for itself;⁴² there are, however, some new points raised which help to determine the basis on which the actor's case was considered to rest. For example, in addition to the more general questions about who had been buried at Sutton, it was specifically asked if the witnesses knew of anyone being buried at Sutton before John Gardener, or if they knew of any inhabitant of these three villages who had chosen to be buried at Sutton in 1428 — obviously an attempt to undercut the defense claim of a sixty-year-old right of free burial.⁴³ In regard to the assertion made in article fifteen that Waghen had no right to the *portio canonica* from Sutton, Driffeld asked if the witnesses know this because they have been shown any document from the registers of the archbishop or the chapter of York concerning the endowment of the vicarage of Waghen; later evidence taken from these registers will be introduced by the Waghen proctor.⁴⁴ One of the more important questions — the one around which most of the activity of the latter part of the case will turn — is aimed at the vicar general's role in this dispute, when the proctor for Robert Tyas asked if John Selowe had actually given the master of Sutton a licence to bury villagers in the chapel or its cemetery.⁴⁵ By far the most intriguing question was addressed to articles thirteen and fourteen, when Driffeld brought up the fact that Robert Merflete had been involved in litigation over the same

⁴⁰ *ibid.*, 25v.

⁴¹ *ibid.*, 27v.

⁴² *ibid.*, 28v-32v.

⁴³ *ibid.*, 29v-30.

⁴⁴ *ibid.*, 31, 12, 12v-13.

⁴⁵ *ibid.*, 31v.

disputed burial rights when he had been vicar of Waghen — only that time he was on the opposite side.⁴⁶

Willyngham produced twenty witnesses to testify on behalf of the master and chaplains of Sutton; they were examined at Sutton by Robert Alne, *examinator generalis et ad infrascriptum commissarius specialiter deputatus*,⁴⁷ from 17 to 22 January 1430.⁴⁸ The testimony of those witnesses is quite detailed, especially in comparison with the three previously produced by Driffeld. It is not clear, however, whether those who testified on behalf of the defense were merely 'better' witnesses, or whether the different circumstances under which the examinations were conducted contributed to the greater degree of specificity in the second set of testimony; whatever the reason, the Sutton witnesses have the appearance of being more directly responsive to the questions of the opposing proctor. On the other hand, another noticeable characteristic of this testimony as a whole (which may or may not have been significant in terms of its credibility) is a basic uniformity, from one witness to the next, in its contents.⁴⁹

Because of the great similarity in the testimony of the majority of the witnesses, a summary of one witness' statement will provide the factual basis on which the Sutton positions were thought to rest. Following the order in which the main points are made in the testimony of John Hogeson of Sutton,⁵⁰ the consensus of opinion of the Sutton witnesses was that the chapel at Sutton was a parochial church with all the usual accoutrements, including baptismal font and cemetery, and with parish boundaries separating it from Waghen; it had been dedicated eighty years before by a suffragan bishop, and a feast day to mark the occasion was celebrated every year between the Nativity of the Virgin and the Exaltation of the Cross.⁵¹ It was also agreed that Sir John Sutton, buried in the chapel of St. James, founded the college there eighty years previously, and that from that time on it was governed by a master and

⁴⁶ *ibid.*, 31; see p. 154 n. 57.

⁴⁷ *ibid.*, 33, 11.

⁴⁸ *ibid.*, 35v-89v.

⁴⁹ For example, witnesses five through twenty all heard the late Alice Sayer swear that she was present when a suffragan bishop consecrated the chapel at Sutton as a church eighty years before.

⁵⁰ M2(3)c, 38v-42v. John Hogeson is the first Sutton witness to actually be examined on the articles of the defense; the previous four witnesses testify mainly to the fact that burials outside the church and cemetery of Waghen were common throughout the parish, and not just in the village of Sutton.

⁵¹ *ibid.*, 38v-39.

five chaplains,⁵² who had a right to all the parish revenues of Sutton except the three halfpennies the vicar of Waghen received annually from each parishioner along with the mortuaries and one quarter of the oblations made in memory of those buried at Sutton.⁵³ One of these five chaplains was asserted to have the *cura animarum* of the inhabitants of Sutton, Stanefery and Lopholme, and administered to them all sacraments and sacramentals, except on the occasions when the vicar officiated at the burial of one of them at Waghen.⁵⁴ Sutton was said to have been under the jurisdiction of the archbishop of York and the archdeacon of the East Riding (while Waghen was under the authority of the cathedral chapter of York).⁵⁵ In direct response to one of the interrogatories of Driffeld, John Hogeson and the other witnesses agreed that before the burial of John Gardener at Sutton, the only others who had been interred there were members of the Sutton family and former masters and chaplains, but since that time several parishioners, including children at the request of their parents, were buried there.⁵⁶ In regard to Robert Merflete's previous participation in litigation over this same issue, it was well known to Hogeson and the others that as vicar of Waghen he had attempted to recover certain oblations allegedly kept unjustly by the master of Sutton at that time, and that he lost the case on appeal to Rome.⁵⁷ Amplifying a point made in the testimony of John Halyday, witness for the actor, the Sutton witnesses testified that the burial of the children of William Tropemell and Simon Wayneflete was the cause of the dispute between the vicar and master which was later arbitrated by John Selowe;⁵⁸ under the terms of this forced agreement the villagers were to bring the bodies of those to be buried at Sutton to Waghen, where Mass would be celebrated, but if the vicar or his substitute was not prepared to officiate by the ninth hour, they could then

⁵² *ibid.*, 39r-v.

⁵³ *ibid.*, 39v-40.

⁵⁴ *ibid.*, 40.

⁵⁵ *ibid.*, 40.

⁵⁶ *ibid.*, 40v-41; it should be noted that the witness' own parents were buried at Waghen (41). In a letter dated 24 September 1427 Pope Martin V granted permission to the master and chaplains at Sutton 'to have buried at the said chapel themselves and other faithful who wish, without requiring licence of any, and saving the rights of the said church [of Waghen]', W. H. Bliss, C. Johnson, J. A. Twemlow, eds., *Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Calendar of Papal Letters* 7 (London, 1906), p. 501. (Hereafter cited as *CPL*). This authorization was never mentioned in the course of the instance.

⁵⁷ M2(3)c, 41. Dean and Chapter Library MS. L2(3)a contains a record of a licence granted to Robert Merflete to visit Rome, dated 20 September 1412 (72).

⁵⁸ M2(3)c, 41r-v.

return with the bodies to Sutton to hear Mass. The final points made by Hogeson, and repeated by the others, were that as far as he knew the master and chaplains never used unfair means to induce villagers to choose to be buried at Sutton, and had always paid the quarter part of the oblations owed to Waghen to Robert Tyas or to his chaplain Robert Chapman.⁵⁹

At this stage in the proceedings the premises or facts on which each side rested his case have been established; during the second half of the instance the two proctors will devote much of their energies to proving individual points raised in the interrogatories and witnesses' testimony. Thus William Driffeld, in his replies⁶⁰ to the articles of the Sutton proctor, while repeating the claim that the chapel at Sutton was dependent upon Waghen *ut vera matrice ecclesia*,⁶¹ and that by burying children (who could not so choose), as well as adults (who had not so chosen), the master of Sutton had violated the agreement made with Waghen, also opened the way to further discussion of such points as the original endowment of the vicarage of Waghen and the exact role of John Selowe in this dispute.⁶²

Following the usual procedure, this initial response by Driffeld to the positions of the defense was later expanded into fifteen new articles,⁶³ introduced *ex parte actricis* on 2 March 1430;⁶⁴ the opposing proctor promptly submitted a corresponding set of interrogatories.⁶⁵ In fact, so closely are these questions related to the preceding articles, that it is possible to determine any new lines along which the case was developed by analysing Willyngham's interrogatories.

It is clear from this material as a whole that the proctors at this point were refining their individual cases, concentrating on the more important as well as the more easily proven assertions made previously. At times this meant a re-statement of a crucial point, reflected in the questions related to the parochial status of Sutton: what were the circumstances of the original foundation? was it dependent on any other church? did it have its own boundaries? did the Sutton villagers ever go to Waghen on feast days and there make offerings as though they were

⁵⁹ *ibid.*, 41v-42.

⁶⁰ *ibid.*, 89v-92.

⁶¹ *ibid.*, 90.

⁶² *ibid.*, 111r-v.

⁶³ *ibid.*, 92v-95.

⁶⁴ *ibid.*, 111v.

⁶⁵ *ibid.*, 95v-97.

parishioners of Waghen?⁶⁶ At other times the emphasis was on additional details: what was the tenor of the agreement between Sutton and Waghen? did it include a clause specifying payment to the vicar? which of its terms did the master and chaplains violate? or in regard to the *portio canonica* claimed by Waghen: who determined the amount? when? how much was it?⁶⁸

One of the more interesting aspects of this stage of the instance is the manner in which some of the original positions are allowed to drop out, while a few facts introduced only in the course of the questioning and testimony now begin to take on greater prominence. The obvious example of the former is the person supposed to have been killed in the cemetery of Sutton, of whom now there is no mention; the preoccupation of both proctors with the role of John Selowe⁶⁹ and its relationship to the question of the interment of children at Sutton is a good example of the latter. Finally, the shift in direction the case takes during the second half of the proceedings is reflected in an increased emphasis on what can be considered legal technicalities, for instance, the demand of the proctor for Sutton to know from the witnesses whether or not the master and chaplains had correct notice of Robert Tyas' admission to the vicarage of Waghen.⁷¹

The proctor for Robert Tyas, during the court session on 2 March, petitioned the official to admit twenty witnesses — following what has until now been standard procedure after the admission of articles by either side. But included in this petition was the request that the court send Roger Esyngwald, examiner general, to Bolton Percy with a special commission to admit and examine its rector, John Selowe, vicar general of York, as a *testis communis*; the unusual circumstance of a witness being called to testify on behalf of both parties to a dispute is evident in the special instructions included in the commission to Esyngwald:

de recepcione, admissione et examinacione testis huiusmodi cum comode poterit debite certificet suo oraculo vive vocis, dictaque et deposiciones huiusmodi testis in scriptis redactas neutri parti predicte vel ostensas una cum articulis supradictis ac interrogatoriis si que tradite fuerint eidem domino officiali exhibeat...⁷²

⁶⁶ *ibid.*, 95v.

⁶⁷ *ibid.*, 95v, 96.

⁶⁸ *ibid.*, 95v-96.

⁶⁹ *ibid.*, 96v.

⁷⁰ *ibid.*, 96.

⁷¹ *ibid.*, 96.

⁷² *ibid.*, 11v.

In a further departure from the standard pattern the proctor for the Sutton side, after the examination of the twenty witnesses produced by Driffeld, instead of responding to the new positions of the actor, announced that

se velle concurrere in probacionibus cum dicta parte replicanti quatenus poterit et se velle nomine dictorum dominorum suorum et pro parte sua uti dictis et deposicionibus testium predictorum videlicet Johannis Marchall et Johannis Belwas...⁷³

and then produced nine additional witnesses of his own.⁷⁴

Considering first those who can most properly be called Waghen witnesses, the testimony of these men (most of whom were locally prominent clergy)⁷⁵ was centered on the two main contentions of the actor introduced originally in the *libellus*; the particular facts cited, however, to support the claims that Sutton was part of the parish of Waghen and that the master there had broken an agreement made with the vicar, were clearly prompted by the more recent positions and interrogatories. Taking the testimony of Thomas Warde of Waghen⁷⁶ as generally representative of the others, the points which were considered to be the most persuasive can be summarized as follows: the boundaries of the parish of Waghen (recited by name by the witnesses) included the chapel and village of Sutton; the chapel of St. James was subservient to the church of Waghen, demonstrated by the fact that the inhabitants of Sutton, Stanefery and Lopholme contributed to the repair of the fabric of Waghen church just as did the inhabitants of that village, and that a deputy of the vicar of Waghen collected three halfpennies from each inhabitant of these three villages on the feasts of All Souls, Pentecost and Saints Peter and Paul; it was also common knowledge that all from these villages should have been buried at Waghen, unless they had requested another resting place, and that Robert Merflete had recently buried some children at the chapel (who were unable to choose for themselves burial elsewhere than Waghen, and whose graves were seen by the witness, even if their names were not known).⁷⁷

If all the witnesses shared an awareness of the parochial burdens of

⁷³ *ibid.*, 11v-12.

⁷⁴ *ibid.*, 12.

⁷⁵ *ibid.*, 11v.

⁷⁶ *ibid.*, 101v-102v.

⁷⁷ The inclusion of this last remark was in response to an interrogatory from the opposing proctor requesting the names of the children recently buried; *ibid.*, 96.

the Sutton villagers, the agreement between Merflete and Tyas, and the child-burials, a few demonstrated a special knowledge of the circumstances of the case. John Robynson, vicar of Swyne, was apparently asserting the *consuetudo terre*⁷⁸ when he responded to article nine by emphasizing that in a situation similar to that of Sutton, a parent who wished to bury his child in the chapel of the Holy Sepulchre near Hedon first came to him for a licence.⁷⁹ Later, Thomas Poynton, brother of the former master of Sutton and himself *diaconus in choro*⁸⁰ at Sutton, spoke with special authority on the recent history of the chapel; according to him, until three years previously the only person from Sutton not to be buried at Waghen was the former master Thomas Waghen.⁸¹ Another witness who testified from greater personal knowledge of local events was John Shipwright, chaplain of the church of Waghen. Not only did he provide details of the legal activity of Robert Merflete during his tenure as vicar of Waghen — who according to the chaplain procured letters of inhibition from the commissary of York nineteen years before, forbidding the then master Thomas Poynton from burying at Sutton ('true copies' of which had been shown to the chaplain) — but he also claimed to have seen the agreement drawn up between Robert Tyas and Robert Merflete.⁸²

John Selowe was examined as a common witness; John Marchall and John Belwas were originally produced as witnesses for the actor, but were subsequently appropriated by the defense proctor to speak for his side as well.⁸³ The significance of John Selowe has already been alluded to; Marchall and Belwas were important as witnesses to the settlement of the dispute for which Selowe was arbiter. But apart from its contents, their testimony has special interest in the fact that both proctors obviously thought that it substantiated *their* side of the case.

⁷⁸ This question of custom was raised by both sides; *ibid.*, 93v, 96v.

⁷⁹ *ibid.*, 100.

⁸⁰ *ibid.*, 100v.

⁸¹ *ibid.*, 101.

⁸² *ibid.*, 104r-v.

⁸³ *ibid.*, 97-98v, 123-124; 120v-121v, 138v-139v; 121v-123, 139v-140v. All three pairs of testimony share a common feature: although the number of articles to which they are said to have responded is different, depending on whether the entry is among the Sutton or the Waghen depositions, the contents are in fact the same; this, as well as the fact that even though Belwas and Marchall were originally included by the Waghen proctor among a large number of witnesses, they were not actually examined until after all these witnesses and the nine produced for the Sutton side had testified, leads to the conclusion that after Willyngham stated his intention to use these two men as witnesses for his own side it was decided to follow a procedure similar to that ordered for the examination of John Selowe, that is, for them to be examined at the same time on both sets of materials.

As stated previously, the cause of the dispute settled by the vicar general was primarily the burial, at the request of their parents, of the children of William Tropmell and Simon Waynefleete at Sutton, after the agreement had been reached between Tyas and Merfleete; this represents a thread in the case which, first introduced in the list of names appended to the *libellus*, has become more important as the focus of the case has narrowed through the last set of positions and witnesses. Selowe testified that in the presence of John Kexby, chancellor of York, John Marchall, registrar, John Belwas, notary, the parents of the deceased children along with other villagers from Sutton, and the master and vicar, the vicar stated his complaint:

quod viri dicti villani de Sutton inhabitantes ibidem personaliter comparentes pueros suos impuberes non habentes discrecionem et sufficientem etatem eligendi sepulturas suas in cimiterio de Sutton predicto in preiudicium ecclesie parochialis de Waghen predictae sepelierunt seu sepeliri fecerunt et procurarunt contra ordinacionem et concordiam inter eundem vicarium et dictum dominum Robertum magistrum...⁸⁴

According to Selowe's account, John Marchall, asked his opinion, stated that fathers could not choose the burial places of their sons, whereupon the vicar general disagreed, saying that they could do so 'in partibus sive locis ubi talis est consuetudo'.⁸⁵ That apparently ended the discussion of this question; the remainder of Selowe's testimony is given to the settlement of the second complaint of the vicar, that the parents present and others from the villages of Sutton, Stanefery and Lopholme were 'in collusion', failing to come to Waghen to hear Mass before the burials at Sutton, and keeping the oblations usually made on those occasions; the Sutton men responded by claiming that when they came to Waghen to hear Mass, the vicar was not available to officiate, and at this point the vicar general arbitrated the matter as already outlined.⁸⁶ The only other significant point made in the testimony is that on this occasion John Selowe warned the men of Sutton to bring the accustomed offerings for the dead, *pro amicis et vicinis apud Sutton, Stanefery et Lopholme*, to the church of Waghen.⁸⁷

This summary of the testimony of the vicar general, showing as it does the two conflicting opinions left unreconciled, goes far towards

⁸⁴ *ibid.*, 97.

⁸⁵ *ibid.*, 97r-v.

⁸⁶ See p. 152.

⁸⁷ M2(3)c, 97v-98.

explaining the rather unusual circumstances of his admission as a witness for both sides. Nor do the statements of Belwas and Marchall remove any of its ambivalence, although the former did go somewhat farther than the others in his description of the interplay between Selowe and Marchall as an *altercacio*, and the addition that Marchall had urged that the villagers not be permitted to exceed the terms of the agreement between Merflete and Tyas.⁸⁸

Judging from the number of articles to which they responded as well as the actual contents of their testimony, the witnesses produced by John Willyngham immediately after those called by Driffeld were examined on the original positions submitted by the defense. As a whole their testimony added little to that already heard by the court from the twenty witnesses previously admitted for the Sutton side, except for such details as Thomas Ogrym's insistence that he had heard Alice Sayer request to be buried at Sutton chapel.⁸⁹

During the 9 March session the proctor for Robert Tyas exhibited a certain *vetus instrumentum* as proof of the assertions made in his recent articles regarding the parochial status of the chapel at Sutton vis-à-vis the church of Waghen. This document contained the results of an inquisition ordered by Archbishop Zouche in 1346 preliminary to the foundation of the college at Sutton by Sir John Sutton, the purpose of which was to determine if the rights of any person or institution would be prejudiced if this college was created. The inquiry conducted by the dean of Holderness produced the following description of the chapel at Sutton:

omnes et singuli predicti dicunt in sacramentis suis prestitis quod dominus Johannes de Sutton de Holderness est verus patronus capelle de Sutton in Holderness; item dicunt quod dicta capella non est curata; item dicunt quod dicta capella solita est gubernari per magistrum Thomam Sampson, Willelmum de Sutton et per alios predecessores presentatos per antecessores dicti domini Johannis de Sutton ad dictam capellam isto modo videlicet quod huiusmodi presentati deputarunt temporibus suis certos capellanos sub se qui ministrarunt in dicta capella in omnibus sicut in ecclesia parochiali excepta sepultura et exceptis tribus diebus in anno videlicet Pentecostis, Sanctorum Petri et Pauli et Omnium Sanctorum in quibus diebus parochiani de Sutton accedunt ad ecclesiam parochialem de Waghen et ibi audiunt missas et ibidem faciunt oblaciones quas vicarius

⁸⁸ *ibid.*, 122v.

⁸⁹ *ibid.*, 127.

ibidem percipit, et idem vicarius ibidem facit sepulturas omnium parochianorum de Sutton, et mortuaria et oblationes inde provenientes percipit ibidem; item dicunt quod parochiani habent baptisterium in capella de Sutton predicta, sepulturam non habent ut predictur; item dicunt quod capella de Sutton habet alia insignia sicut ecclesia parochialis exceptis sepultura, mortuariis et oblacionibus in sepulturis et tribus diebus antedictis cum oblacionibus in eisdem factis; item dicunt quod dicta capella de Sutton non dependet ab aliqua ecclesia parochiali nisi ut supradictum est; item dicunt quod dicta capella non est constituta infra fines et limites alicuius parochie nisi infra limites parochie de Waghen...; item dicunt quod non vertitur in preiudicium alicuius persone vel loci si comedantur premissa in forma petita dum tamen in predicta apropiacione non excludatur rector ecclesie de Waghen de annua pensione ... et quod vicarius de Waghen non excludatur de mortuariis et suis oblacionibus predictis.⁹⁰

The publication of this document was obviously not helpful to the case of the master and chaplains, since up to this point no similar proof had been introduced establishing a change in the status of the chapel of St. James since 1346, although several witnesses had alluded to an ordination of Archbishop Neville (1374-88). It is not surprising, therefore, that the proctor for Sutton on 25 September offered written exceptions to both the testimony of the Waghen witnesses and to this instrument itself.⁹¹

Willyngham challenged the authenticity of the instrument from 1346, citing the fact that the dean of Holderness, *contra formam et effectum capituli*, had failed to have a witness to the process, and that the name of a public notary was conspicuously absent from the document;⁹² he went on to charge that the instrument had been *nequiter et maliciose conceptum, confectum et conscriptum, et in omni sui parte viciatum* by the opposing party,⁹³ and was a *domesticum exemplum* rather than a *publicum seu authenticum documentum*.⁹⁴ The exception made against the Waghen witnesses⁹⁵ incorporated several accusations: that a number of them, especially John Kexby, were *auctores, fautores, sollicitatores et speciales promotores pro parte dicti domini Roberti vicarii* and sought his victory in this case as though it were their own, even in regard to the expenses of the action;

⁹⁰ *ibid.*, 142v-143.

⁹¹ *ibid.*, 12v.

⁹² *ibid.*, 144.

⁹³ *ibid.*, 144v.

⁹⁴ *ibid.*, 144v.

⁹⁵ *ibid.*, 150-150*.

that John Halyday was 'infamis et infamia iuris et facti, et presertim pro eo quod quemdam Johannem Mossingham apud Richemond suspendebat'; that the witnesses named, especially John Warde, were all *mercenarii, domestici et familiares* of the vicar of Waghen; and that all were *corrupti, instructi et informati in dicta causa* by Robert Tyas, and were 'mortal enemies' of the master of Sutton chapel.⁹⁶ The court gave Willyngham until 6 October to prove these exceptions.⁹⁷

On that day Willyngham presented to the court seven new articles;⁹⁸ interrogatories were then submitted by John Lepyngton, substitute for William Driffeld.⁹⁹ On the following day five witnesses for Sutton were examined,¹⁰⁰ and although their testimony is generally supportive of the charges made in the second exception and in the articles, it is composed more of vague expressions of confidence in the truth of the defendant's positions than of particular details. Some of the more significant points made by these witnesses were that all the inhabitants of Waghen were promoters of this case insofar as they bore its expenses, and to this purpose were taxed *ad certam summam pecunie iuxta valorem bonorum suorum*;¹⁰¹ that John Halyday had admitted to a number of parishioners that he had contributed twenty shillings towards the costs of the case from his own funds;¹⁰² and that John Kexby, chancellor of York, had forbidden the parishioners of Waghen to settle their differences with the villagers of Sutton out of court, as they wished.¹⁰³

Procedurally this last stage is consistent with earlier phases of the instance, completing a rather neat pattern:

<i>Waghen</i>	<i>Sutton</i>	<i>Waghen</i>	<i>Sutton</i>
libellus	replies	replies	exceptions
positions	positions	positions	positions
interrogatory	interrogatory	interrogatory	interrogatory
testimony	testimony	testimony ¹⁰⁴	testimony

⁹⁶ *ibid.*, 150r-v.

⁹⁷ *ibid.*, 12v.

⁹⁸ *ibid.*, 145-146v. Although the process states that these articles were 'elicited' from the exceptions, they actually exclude any mention of the challenge to the instrument (12v).

⁹⁹ *ibid.*, 146v, breaks off, then continues 154.

¹⁰⁰ *ibid.*, 154r-v, breaks off, then continues 147-149v.

¹⁰¹ *ibid.*, 149.

¹⁰² *ibid.*, 148v.

¹⁰³ *ibid.*, 147v.

¹⁰⁴ The nine Sutton witnesses examined immediately after this group for Waghen would seem to invalidate this scheme, except for the fact that they were apparently asked to testify on the first articles submitted by the Sutton proctor, and can thus properly be considered as belonging to the first group of defense witnesses.

There is, however, an important difference. This last effort of the Sutton side was not aimed primarily at disproving the basic allegations of the actor, but at weakening his case by having major portions of his documentary and testimonial evidence disallowed by the court. The difference between the exceptions made here and the earlier replies is further evident in the fact that the only intermediate judgment made by the court occurred at this point, recorded in the process with the phrase 'quo termino contra dictum instrumentum vetus nichil probato'.¹⁰⁵ This was an unavoidable conclusion, since the defense had indeed produced nothing to support its first exception. It was apparently the obligation of the proctor in any case to object to the evidence introduced by his opponent — it was a very poor proctor, in fact, who could not find something to say against any document exhibited by the other side;¹⁰⁶ in this case the objections did not further the cause of the master and chaplains. That they were apparently unable to produce actual replies to the last articles and testimony for Waghen can be construed as a basic weakness in their case.

The remaining sessions of the 1429 instance were devoted to the introduction and admission of documentary evidence for both parties, each in its turn challenged by the verbal or written exceptions of the opposing proctor; no new articles were admitted by the court. Much of this material is addressed to technical points, such as whether Robert Tyas was the true vicar of Waghen (and thus had the right to bring suit in its name); included in this category of evidence is the record of Robert Tyas' ordination, with that of his admission to the vicarage,¹⁰⁷ plus copies of the appointments of Stephen Barker, Thomas Hoton and William Mayre to perpetual chantries in the chapel of Sutton by Archbishop Henry Bowet,¹⁰⁸ and of Robert Merflete as master.¹⁰⁹ In another group belongs the evidence concerned with the early history of the church of Waghen and its dependent chapel: the record of the inquiry of Archbishop Gray into the *ius patronatus* of the mediety of Waghen claimed by the abbeys of Meaux and Aumale;¹¹⁰ the charter of the abbey of Meaux conceding the advowson of Waghen to the archbishop of York;¹¹¹ the record of the presentment of Richard Overthona to

¹⁰⁵ *ibid.*, 234v.

¹⁰⁶ See Carson Ritchie, *The Ecclesiastical Courts of York* (Arboath, 1956), pp. 142-5.

¹⁰⁷ M2(3)c, 152v-153v.

¹⁰⁸ *ibid.*, 159v-161.

¹⁰⁹ *ibid.*, 161r-v.

¹¹⁰ *ibid.*, 152r-v.

¹¹¹ *ibid.*, 152v.

Waghen by John Blund, chancellor of York, and his admission by the chapter (1244).¹¹²

Some of these documents had additional importance because of the incidental information they contained — for example, the description of the *assignacio porcionis vicarii*¹¹³ found in the record of Overthona's admission to the vicarage of Waghen;¹¹⁴ a few were especially significant in their own right. Among the latter are the *littere testimoniales super ordinacione collegii de Sutton* of Archbishop Neville¹¹⁵ (exhibited by Willyngham on 30 October), and a *quedam sedula sive copia* of the exhumation order of Archbishop William Zouche against a former master of Sutton,¹¹⁷ along with a copy of the 19 January agreement between Tyas and Merflete¹¹⁸ (exhibited by Lepyngton on the same day).¹¹⁹

Mention of the ordination of Archbishop Neville was made by nearly all the Sutton witnesses, to support the defense's contention that the chapel of St. James was in fact a parochial church in its own right; that fact alone is sufficient to suggest that this document was critical to the master's case. Even apart from this, it is obvious that given the strong argument the Waghen proctor had made for the chapel's subordination to the church of Waghen at the time of the foundation of the college at Sutton, his opponent had to produce some proof of the changed status of the chapel in the interval between 1346 and 1429. It is surprising, therefore, to find that the contents of the Neville instrument are not particularly helpful to the Sutton cause. While it opens on an innovative note, suggesting that changing circumstances necessitated institutional changes, on further reading it becomes apparent that whatever innovations were to be made would concern the internal affairs of the college and not its relationship to Waghen. Indeed the greater part of this document is concerned with establishing correct procedures for the appointment of chaplains and masters to the college, and with otherwise clarifying certain aspects of the original constitution drawn up by Archbishop Zouche.¹²⁰ Neville's new constitution did

¹¹² *ibid.*, 151v-152.

¹¹³ *ibid.*, 12v.

¹¹⁴ '... assignato eidem nomine vicario toto altalagio dicte ecclesie de Waghen et capelle de Suthona exceptis decimis fenorum, aquarum et lane' (*ibid.*, 151v-152).

¹¹⁵ *ibid.*, 155-159v.

¹¹⁶ *ibid.*, 13.

¹¹⁷ *ibid.*, 166v-170.

¹¹⁸ *ibid.*, 150*-151v.

¹¹⁹ *ibid.*, 13.

¹²⁰ *ibid.*, 155v.

provide for an annual stipend to be paid to one of the five chaplains, to whom had been entrusted the *cura animarum* of the Sutton parishioners,¹²¹ and confirmed his predecessor's order that the heirs of the manor of Sutton were to pay to the master and chaplains 'decimas tam maiores quam minores in quibuscumque rebus existant de terris, locis et aliis rebus quibuscumque dominii de Sutton'¹²² — but whatever gains the master and chaplains had were offset by Neville's clear injunction to pay to Waghen all that had been required in the earlier constitution.¹²³

The instruments produced by Lepyngton, on the other hand, definitely affirm a number of the basic premises of the actor's case. The exhumation order of William Zouche, given after a thorough investigation into a complaint from the incumbent at Waghen against the master of Sutton at that time, over the same issue of whether or not the latter could inter parishioners in the chapel or its cemetery, provided a precedent for the proceedings of 1429-31; it established in no uncertain terms that in 1351 at least the master had no such rights.¹²⁴

The actor's case, of course, rested on the assumption that nothing had substantially altered this situation in the intervening years, and in the absence of conclusive evidence to the contrary, the very fact of the 19 January agreement seems to bear this out. Although never expressed in just these terms — it did not have to be, since the original *libellus* was aimed at the violation of the agreement itself and not primarily with the circumstances which had prompted its being drawn up — it is implicit in the arguments of the actor that if Sutton had, as it claimed, full parochial rights, including that of free burial, there would have been no reason to participate in this agreement in the first place. Nor do the actual terms of the agreement negate this assumption, as it is evident from this document that whatever concessions were made in this matter were not made by the master of Sutton.¹²⁵

¹²¹ *ibid.*, 157.

¹²² *ibid.*, 159; cf. Zouche constitution, 176v.

¹²³ *ibid.*, 159.

¹²⁴ See n. 12.

¹²⁵ The reason given for the drawing-up of this agreement was to save the expenses of further litigation from a situation where 'mota et exorta fuisse materia litis et contencionis, que quidem lis sive contencionis materia per partem dicti vicarii per viam appellacionis directe ad sedem apostolicam et tuitorie ad curiam Eboracensis interiecte in eadem curia Eboracensis fuit ut dicebatur introducta, ac parti ipsius vicarii per eandem curiam tuicio concessa in hac parte' (M2(3)c, 150*v).

In brief, this document does indeed contain the three main points asserted several times in the course of the instance by the proctor for Robert Tyas. These include the provision that the inhabitants of Sutton, Stanefery and Lopholme could elect to be buried at the chapel of St. James, with an important reservation: 'quod ecclesia de Waghen habeat ultimum vale et canonicum porcionem'. Those, however, 'qui forte sepulturam suam in cimiterio vel ecclesia de Sutton vel alibi non eligerint', were to be buried as usual in the church or cemetery of Waghen.¹²⁶

The significance these documents had for the two proctors is nowhere more apparent than in their subsequent actions. On 14 November Willyngham submitted written exceptions attacking the authenticity of the recent exhibits of the actor by reason of their *nullitate, ineptitudine, insufficiencia, contrarietate et suspicione*;¹²⁷ Lepyngton immediately countered with an oral exception of his own against the exhibits of the defense, and with a petition *pro quodam scrutino* of the documents to which Willyngham had just taken exception; the latter was duly authorized by the court.¹²⁸ This scrutiny of the appropriate registers and archives was conducted by John Selowe *in presencia utriusque procuratoris*;¹²⁹ his report, favorable to the actor, was given to the court on 2 December.¹³⁰ One week later Willyngham responded with a second set of exceptions, charging that the documents inspected by Selowe were, among other things, defective in form, and were therefore invalid as proof,¹³¹ and on 14 December, presumably in response to the oral exception made earlier by the opposing proctor, *quedam littere testimoniales* were offered by Willyngham in which John Thoresby, archbishop of York from 1352 to 1373, quoted from the register of his predecessor Zouche in regard to the original foundation of the college at Sutton by Sir John Sutton;¹³² Lepyngton accepted these last exhibits

¹²⁶ *ibid.*, 150*v-151.

¹²⁷ *ibid.*, 162v.

¹²⁸ *ibid.*, 13.

¹²⁹ *ibid.*, 166.

¹³⁰ *ibid.*, 13.

¹³¹ *ibid.*, 13v, 170r-v.

¹³² This material is introduced in the form of another *scrutinum* of the archives at York, and contains copies of the licence in mortmain issued to John de Sutton, as well as Sutton's petition to found the college, and the constitution drawn up by Zouche in response; the only reference that appears to be of value to the case for the defense in these documents is Archbishop Thoresby's own interpretation of the situation: 'nos, inspecto registro bone memorie Willelmi la Zouche predecessoris nostri immediate comperimus in eodem quandam ordinationem super diversis cantariis in ecclesia parochiali de Sutton in Holderness...' (*ibid.*, 171).

with the proviso 'non approbando contenta in huiusmodi exhibitis nisi quatenus faciunt pro parte sua et non aliter'.¹³³

The last act of the court before giving sentence was to admit into the record, at the request of the proctor for Robert Merflete, the depositions of twenty-six witnesses examined during October 1402 by John Schefford, examiner general, 'in quadam causa pretensa mortuarii in curia Eboracensis inter vicarium de Waghen partem actricem ex parte una ac dictos magistrum et capellanos ad defensionem cause'.¹³⁴ The main conclusion that can be drawn from this testimony as a whole is that the same points were argued by the master in 1402 as would later be offered by his counterpart in 1429. The emphasis is on the parochial status enjoyed by the chapel at Sutton; the most important reference — constituting the most likely reason for the submission of this testimony by the Sutton proctor — is to the consecration of the 'church' of Sutton by an unnamed suffragan bishop. The absence of any response to these depositions by the proctor for Robert Tyas suggests their relative lack of importance.

Finally, on the last day of February 1431, the official of the Consistory Court of York found for the actor, Robert Tyas.¹³⁵

II

THE THEORY

Before commenting upon the outcome of the 1429-31 instance, a factor underlying this, and presumably every other case heard by medieval ecclesiastical courts, must be considered. Theoretically, the sentence of the official, Richard Arnall, in 1431 reflected two distinct influences: the first was the force of the arguments and the quality of the evidence produced by both parties to the dispute; the second was the official's own background knowledge of the legal theory pertinent to this case. Arnall's understanding of the canon law related to ecclesiastical burial was critical to the verdict, and any effort to analyse the case of Waghen vs. Sutton would be incomplete without first attempting to reconstruct the theoretical basis on which his decision rested. This effort will be two-fold: to establish the general training that Arnall, as well as the

¹³³ *ibid.*, 13v.

¹³⁴ *ibid.*, 179-232v.

¹³⁵ *ibid.*, 13v, 2v-3.

other lawyers involved in the 1429 instance, would have undergone in preparation for a legal career, and to present an example, directly related to this case, of the 'substantive law' which was the focal point of much of this training.

As important functionaries within the diocesan administration at York and specifically its network of ecclesiastical courts, Richard Arnall, John Selowe and the various other officials mentioned in the course of the 1429-31 proceedings were almost certainly the products of a system that comprised two distinct elements. One of these elements was a program within the ecclesiastical courts themselves for the practical training of would-be advocates and proctors, similar to an apprenticeship. Unfortunately, the subject of in-court training for prospective lawyers has never been fully explored for the English ecclesiastical courts as a whole;¹³⁶ nevertheless, it is possible to assume the general application of this type of training throughout the system from the number of individual constitutions for different diocesan courts which legislated a specific amount of experience (usually a year) before any new lawyer would be allowed to plead before the court.¹³⁷ Such provisions, despite the fact that they were directly concerned only with the proctors and advocates, can be applied rather generally to include most if not all of the lawyers involved in the Waghen-Sutton case. For although John Selowe alone can be positively identified as having been an advocate during an earlier stage in his career,¹³⁸ it is not unlikely that at York, as elsewhere,¹³⁹ the most important officers of the court tended to be drawn from the ranks of the advocates. At any rate it is clear that even in the initial stages of a legal career practical experience was important — and for the most part would continue to be so, as one step in the ranks of the profession became in effect the 'apprenticeship' for the next.¹⁴⁰

But whatever stress was placed on the need for some form of practical training before embarking upon a career as a canon lawyer, it was

¹³⁶ See Morris, 'A Consistory Court', 153 ff.

¹³⁷ See, for example, the statute of John Stratford for the Court of Arches: 'nullus procurator generalis in dicta curia de caetero admittatur, nisi per annum vel amplius in ipsa curia steterit pro practica, in cursu causarum ...' (D. Wilkins, *Concilia Magnae Britanniae et Hiberniae*, 447-1718 2 (London, 1737), p. 690; cf. Wilkins, 2. 205, 572).

¹³⁸ York, Dean and Chapter Library MS. L2(3)a, 88.

¹³⁹ Morris, 'A Consistory Court', 153-6.

¹⁴⁰ The career of Richard Arnall is a case in point, as he was promoted from the position of judge for the chapter of York to be the official of the archbishop; MS. L2(3)a, 71.

completely overshadowed by the importance of the theoretical training provided by the schools; indeed, the same constitutions which established a period of apprenticeship required a minimum amount of university training — three to six times as long.¹⁴¹ In terms of the personnel found in the 1429 instance, this legislation provides some idea of the basic educational background of the lesser figures, such as the proctors Driffeld, Wyllyngham and Lepyngton, all of whom were merely identified as 'masters' in MS. M2(3)c. However, specific titles such as 'bachelor' or 'licentiate' were associated with the more important members of the court,¹⁴² and for these men it is only necessary to outline the requirements for the different degrees in law to establish the depth of their theoretical background.

This is not a particularly easy task, since the subject of the history of the faculties of canon law in the English universities during the Middle Ages has excited little scholarly interest, and remains an area sorely in need of additional research.¹⁴³ For example, the most obvious source of information on the teaching of canon law in medieval England, Rashdall's *Medieval Universities*, confines itself to a rather cursory discussion of the various degree requirements;¹⁴⁴ typical of the general inadequacy of this treatment is its failure to include changes within the curriculum over a span of many decades (Rashdall's outline obscures the fact, for example, that by the first half of the fourteenth century both the Sext and Clementines had been officially promulgated, and the curriculum, previously centered only on the Decretum and Decretals, had to be adjusted to accommodate them). Even the best study to date has only established the curriculum of the Oxford faculty of canon law in the first half of the fourteenth century.¹⁴⁵ In consequence, the general lack

¹⁴¹ See n. 137.

¹⁴² For example, Richard Arnall is called *bacallarius in utroque iure*, John Selowe *licentiatus in decretis* and Roger Esyngwald *bacallarius in legibus*; M2(3)c, 13v, 164v, 32v.

¹⁴³ The secondary material available on the general history of the faculties of canon law at Oxford and Cambridge is minimal — only brief references can be found in such standard works as Charles E. Mallet, *A History of the University of Oxford*, 3 vols. (London, 1924-7). Strickland Gibson, ed., *Statuta antiqua Universitatis Oxoniensis* (Oxford, 1931), and Hastings Rashdall, *The Universities of Europe in the Middle Ages*, eds. F. M. Powicke and A. B. Emden, 3 (Oxford, 1936) in their brief discussions of the faculties of law concentrate almost exclusively on the curriculum; Gordon Leff, *Paris and Oxford Universities in the Thirteenth and Fourteenth Centuries* (New York, 1968) provides little additional information, and most of that taken from L. E. Boyle, 'The Curriculum of the Faculty of Canon Law at Oxford in the First Half of the Fourteenth Century' in *Oxford Studies Presented to Daniel Callus* (Oxford Historical Studies N.S. 16 (1964)), pp. 135-162.

¹⁴⁴ Rashdall, *Universities of Europe* 3.157.

¹⁴⁵ Boyle, 'Canon Law at Oxford'.

of information on this subject for the late fourteenth and early fifteenth centuries makes possible only tentative conclusions as to the course of studies undertaken by Richard Arnall and the others in their pursuit of law degrees.¹⁴⁶

The two degrees of specific interest here are the licentiate and the baccalaureate.¹⁴⁷ The licentiate, or *admissio ad lecturam extraordinariam alicuius libri Decretalium*, was granted to the scholar at the point when he could convince the rector or chancellor of the university that he was qualified to lecture — either through an interview, or by taking on oath that he had heard the required number of lectures.¹⁴⁸ Rashdall gives as the prerequisites for this degree ‘five years study of civil law, to have heard the Decretals twice and the Decretum for two years’;¹⁴⁹ it has been pointed out, however, that the statute setting these requirements actually pertained to those giving quasi-ordinary lectures on the Decretals, and not to candidates for the licentiate.¹⁵⁰ The statute which did set the prerequisites for the licentiate reads as follows:

ad lecturam vero extraordinariam alicuius libri decretalium nullus de cetero admittatur, nisi iura civilia saltem per triennium, et decreta per biennium, ac decretales complete se iuret audisse.¹⁵¹

The title of *baccalarius* was conferred after the granting of the *admissio ad lecturam*; there was apparently no set interval between the two, nor were the requirements for the baccalaureate established by statute. It is clear, though, that some conditions had to be fulfilled before the second degree could be awarded: the *licentiatus* would have been required to give a certain number of cursory (extraordinary) lectures, or a *repetitio* of a particular canon, before he qualified for the title of bachelor.¹⁵²

These regulations established the minimum background necessary for the licentiate and baccalaureate in canon law; they do not, however,

¹⁴⁶ There is, admittedly, a number of years between the possible dates of Arnall's academic career, and the period for which the most is known concerning the faculty of canon law at Oxford; since, however, no official collections were promulgated in the interval, it will be assumed for the purpose of argument that no substantial changes in the curriculum were introduced during the second half of the fourteenth century.

¹⁴⁷ See n. 142.

¹⁴⁸ Boyle, ‘Canon Law at Oxford’, 138.

¹⁴⁹ Rashdall, *Universities of Europe* 3.157.

¹⁵⁰ Boyle, ‘Canon Law at Oxford’, 152.

¹⁵¹ *Statuta antiqua*, p. 46, ll. 25-28.

¹⁵² Boyle, ‘Canon Law at Oxford’, 143-4; cf. Leff, *Paris and Oxford*, p. 178.

reflect all of the canonical materials to which the student enrolled in the faculty of canon law would have been exposed. The wider range of the curriculum at Oxford can be seen, for example, in the statute of 14 December 1333. This measure was intended to relieve some of the pressure on the curriculum caused by the introduction of the latest canonical collection, by replacing the annual course of ordinary lectures on the Decretals and quasi-ordinary lectures on the Sext¹⁵³ with a two-year cycle incorporating the Clementines into the program; under this plan the first, fourth and fifth books of the Decretals and all of the Clementines would be covered during the first year, while in the second year the subject of the ordinary and extraordinary lectures of doctors and bachelors would be the entire Sext and books two and three of the Decretals.¹⁵⁴

The variety of canonical sources which comprised the subject matter of the law curriculum is even more evident in an actual product of the faculty of canon law at Oxford: MS. Royal 9 E VIII, now held by the British Library. This manuscript contains notes to some lectures given at Oxford during the 1360's on the Decretals, Sext, Clementines and three *extravagantes* of John XXII; most of these lectures were given by Walter Cachepol, D.C.L., with the remainder divided among nineteen other canonists.¹⁵⁶ One of the nineteen is John Pacwode, whose lecture on the title *De sepulturis* of the Decretals is of special interest as an example of the manner in which the legal theory related to the Waghen-Sutton dispute would have been presented to the late fourteenth-century student of canon law.¹⁵⁷

Before analysing the contents of the Pacwode lecture to determine what, if any, basic principles relevant to the sentence given by Richard Arnall in 1431 can be abstracted, it is necessary to place this lecture and the manuscript as a whole within the context of the curriculum outlined previously.

To understand its role in the course of studies of the canon law faculty a distinction must first be made between the different categories

¹⁵³ *Statuta antiqua*, pp. 45-6; Boyle, 'Canon Law at Oxford', 148-9.

¹⁵⁴ *Statuta antiqua*, p. 132, l. 22 — p. 133, l. 6; Boyle, 'Canon Law at Oxford', 150.

¹⁵⁵ His death is noted in the manuscript with the phrase 'heu cum hic moritur doctor w.c.' (94v).

¹⁵⁶ The names of the other canonists are as follows: Robert Brembre, master, Ralph Tregisiow, Robert Sustede, inceptor in civil law, Thomas Stowe, B.C.L., Thomas Spert, Richard Sellyng, John de Schypton, D.C.L., John Schepeye, John de Lyngfeld, John de Cateford, Thomas Walkyngton, Thomas Strafford, Richard Rokyswell, Roger de Hatfeld, John Gascoigne, D.Cn.L., Ralph Ergum, D.C.L., Thomas Brinton, and one Laurence, monk of Batle.

¹⁵⁷ MS. Royal 9 E VIII, 118-121v.

of lectures given by the members of this faculty. Doctors usually gave their lectures in the morning and on the more important parts of the course — these were ordinary lectures; the extraordinary lectures took place in the afternoon, and were either given by bachelors fulfilling the usual requirements for the doctorate (in which case they were called cursory lectures) or by doctors and bachelors called upon to give supplementary lectures (to the ordinary lectures of the doctors); quasi-ordinary lectures, also supplementary, were given in the morning at the same time as lectures in civil law, but seem to have been abandoned after the introduction of the two-year cycle.¹⁵⁸

It can be considered rather unlikely that the collection contained in MS. Royal 9 E VIII is composed of ordinary lectures, for the following reasons: the author of most of the lectures is a doctor of civil law, not canon law, and since regent masters gave the ordinary lectures in their own faculties, it is highly improbable if not impossible that a D.C.L. would have given an ordinary lecture in the faculty of canon law; this collection of lectures contains not only material on the Decretals, Sext and Clementines, but also on the Extravagantes of John XXII — but there is no evidence that the Extravagantes were ever incorporated into the curriculum as the subject of ordinary lectures;¹⁵⁹ to give an ordinary lecture, one had to be either a doctor of canon law or a bachelor of canon law, and of the twenty lecturers represented in this manuscript only eight fulfill either qualification.¹⁶⁰ The criteria for extraordinary lectures, on the other hand, can be applied more successfully, especially in regard to the system of teaching established by the 1333 statute, as well as the fact that bachelors and doctors of civil law should only have lectured extraordinarily. In the specific case of Pacwode, the likelihood that his is an example of an extraordinary lecture is consistent with the absence of any designation as either bachelor or doctor of canon law (although such titles seem to be usual in the manuscript where appropriate).¹⁶¹

¹⁵⁸ Boyle, 'Canon Law at Oxford', 146-151.

¹⁵⁹ See Auguste Coulon and S. Clemencet, *Lettres secrètes et curiales du Pape Jean XXII (1316-34) relatives à la France* 3 (Paris, 1961), p. 20, for the calendar of a letter of Pope John ordering four letters from the Extravagantes (related to the Franciscans) to be taught by various faculties of canon law; *Reg. Vat.* 113, 120.

¹⁶⁰ Walkyngton, Stratford, Rokyswell, Pacwode, Hatfeld, Ergum, Gascoigne, and Brinton all eventually received degrees in canon law, although when in relation to the giving of these lectures is not certain; A. B. Emden, *A Biographical Register of the University of Oxford*, 3 vols. (Oxford, 1957-9), 3. 1964-5, 1800-1, 1586, 1417; 2. 885; 1. 644; 2. 745; 1. 268-9.

¹⁶¹ Pacwode was a doctor of canon law by 1376, when he was one of several members of the faculty of canon law at Oxford engaged in a dispute with the university; Emden, 3. 1417.

The lecture on the title *De sepulturis* is essentially a commentary on a commentary. Rarely addressing himself to the words of the decretal text itself, Pacwode instead begins almost every section with the phrase *conclusio Bernardi quod...* or its equivalent. 'Bernard' is of course Bernard of Parma, author of the *glossa ordinaria* to the Decretals, and his gloss is followed so closely, chapter by chapter, that it is the rare instance when Pacwode either fails to comment on a word he has glossed, or introduces one which he has passed over.

With the outline of his remarks established by the *glossa ordinaria*, Pacwode then proceeds to give the opinion of other canonists, stating when they agree with the conclusion of Bernard and when they are at variance with it, and in the latter instance, giving his opinion of the merits of either side of a given question. Considering just one instance where his personal viewpoints are interjected, Pacwode, in the section headed *in verbo exhumari*, addresses the problem of whether an unborn child can be buried with his mother in holy ground; having quoted an affirmative view, and then a contrary opinion which says that the child should be removed from the mother, and if alive baptized, but if dead interred without Christian rites, Pacwode offers a compromise, saying that the child should be removed from the mother only if it is agreed that it still lives, otherwise it is to be left and buried with her.¹⁶² This example demonstrates how the lecturer goes beyond merely providing a compendium of legal knowledge, and instead gives a practical lesson in the proper functioning of the trained canonist, as he weighs all the possible answers to a given question before offering a final solution.

The actual sources Pacwode uses are not numerous, as he relies mainly on the opinions of Joannes Andreae, Joannes Teutonicus, Hostiensis, Guido de Baysio, Guillelmus Durandus and Guillelmus de Montelauduno. But included with the opinions of the most respected canonists are references to sources peculiarly English. This type of material includes citations from the constitutions of John Stratford, the legates Otto and Ottobono, and John Pecham, and for Pacwode at least, they seem to carry the same weight in a discussion as the more usual canonical sources.¹⁶³

¹⁶² MS. Royal 9 E VIII, 121.

¹⁶³ What this might mean in terms of the recently reopened controversy over 'canon law in England' once fought between proponents of William Stubbs and Frederick Maitland can only be adequately explored after a full study has been made of this manuscript, as well as the many others which survive as products of the late medieval faculties of canon law in England; see Donahue, 'Roman Canon Law', 656-8, for a summary of the different arguments put forth by both sides.

From Pacwode's synthesis of the appropriate sections of the Decretals, Sext and Clementines with their commentaries, and excerpts from English provincial legislation, two principles of law relevant to the Waghén-Sutton case emerge: the right of free choice of burial place and the right of the parish church to the *portio canonica*.

The principle of free choice is never addressed as such in the lecture, but instead is presented as the underlying assumption in the application of more specific points of law. One example of this is contained in the following opinion of Bernard of Parma, offered without qualification by Pacwode: 'alienum parochianum recipiens ad sepulturam illa non electa ibidem ad restitutionem omnium tenetur ecclesie parochiali'.¹⁶⁴ In another section certain circumstances are detailed under which *non valet electio sepulture*,¹⁶⁵ but these are clearly exceptions to the general rule.¹⁶⁶ The best indication of the lecturer's own views occurs when he cites an inference which can be drawn from the wording of the gloss, 'quod ecclesia parochialis contra quemcumque parochianos suos sepelientem potest agere quamvis ibidem eligat sepulturam', but disagrees, saying 'sed ista subtilitas non servanda est'.¹⁶⁷

Referring to a subject later raised as a crucial point in the 1429 instance, Pacwode includes an important limitation to this right of *electio sepulture* when he quotes this conclusion of the glossator without any opposing viewpoints: 'sepelientes impuberes universa debent restituere cum illi careant discrecione'.¹⁶⁸ Earlier in the lecture, however, he had introduced an opinion of Bernard containing this general rule: 'pater qui filio suo potest facere testamentum ubi voluerit sic potest constituere sepulturam',¹⁶⁹ and then went on to say that he preferred the wording in the capitulum *Licet pater* in the Sext, which reads

Licet pater minores filios, qui nequeunt antequam ad annos pubertatis perveniant, eligere sepulturam, possit (si consuetudo terrae id habeat) quo voluerit sepelire: hoc tamen non potest, ubi consuetudo huiusmodi non habetur, sed sunt cum suis maioribus, vel in parochiali ecclesia tumulandi.¹⁷⁰

¹⁶⁴ MS. Royal 9 E VIII, 119.

¹⁶⁵ *ibid.*, 119v.

¹⁶⁶ And as Pacwode points out, there is disagreement as to whether even these exceptions hold, as the citation he includes from the Sext reads: 'electionem huiusmodi (licet iura super hoc videantur esse diversa) nequaquam volumus impugnari' (3.12.2); *ibid.*, 119v.

¹⁶⁷ *ibid.*, 119v.

¹⁶⁸ *ibid.*, 120v.

¹⁶⁹ *ibid.*, 120.

¹⁷⁰ *Sext.* 3.12.4.

From the preceding it is possible to summarize the theory presented in Pacwode's lecture on the subject of child-burials in the following manner: underage children could not choose their own place of interment, but, as dictated by local custom, the choice might be made for them by their parents.

In a different context, the question of chosen burial is associated with another issue raised in the Waghen instance, as Pacwode includes a means of reaching a compromise over disputed rights with the observation that 'in spiritualibus interveniat amicabile composio'.¹⁷¹

Throughout the lecture the point is made that the *portio canonica* belongs to the parish church. As in the case of the principle of free choice of burial place, this often takes the form of an assumption behind the discussion of a more specific question. For example, Pacwode explicitly states that he agrees with the glossator when he asserts this exception: 'quod de relictis ad ornamenta ecclesie, pauperibus vel amicis, intuitu persone non ecclesie, canonicam ecclesie parochialis non habebit'.¹⁷² In a more comprehensive statement, Pacwode makes his own position clear: 'sicut ecclesia parochialis habebit suam canonicam de relictis ecclesie apud quam elegit sepulturam et hoc quia sacramenta administravit sic habebit de omnibus obitis pro quibuscumque sacramentis'.¹⁷³

This last assertion contains a theme recurring throughout the lecture, which is central to the Waghen-Sutton dispute: the criteria for the designation 'parish' church — to which this *canonica* is owed. Pacwode has included certain conditions under which this title is properly applied: it was the church where the divine office was heard and the sacraments were administered in any given case. These criteria are presented in the solution to a particular problem arising from the dispersal of the *canonica*:

Conclusio quod illi ecclesie solum debetur quarta que sibi ministravit sacramenta ... ex istis infertur quod ubi quis in uno loco recipit sacramenta et in alia audivit divina quod inter haec loca dividenda est canonica...¹⁷⁴

The place of domicile is given as another consideration, although it does not seem to be particularly significant to the lecturer; Pacwode cites the

¹⁷¹ MS. Royal 9 E VIII, 119v.

¹⁷² *ibid.*, 118v.

¹⁷³ *ibid.*, 118v.

¹⁷⁴ *ibid.*, 118v.

opinion of Paulus de Leazaris that 'si iste in uno loco accepit ecclesiastica sacramenta et alibi habet domicilium quod tunc est dividenda canonica',¹⁷⁵ but obviously prefers the judgment of Bernard 'et variorum, quod solum ecclesia parochialis divinorum et sacramentorum habebit istam canonicam'.¹⁷⁶ He gives further indications of his own views when he answers the question 'si quis in confinio duarum parochiarum habet domicilium, in tertia eligitur sepultura, quis istarum habebit canonicam?' with the statement 'ecclesia ubi audivit divina'.¹⁷⁷

If this lecture can be considered an example of the manner in which the legal principles related to ecclesiastical burial in general, and to the Sutton case in particular, were presented to the late fourteenth-century student of canon law, its contents demonstrate that on this subject at least the teaching of the English faculty conformed to the theories developed by the leading continental canonists in their commentaries on the Decretals, Sext and Clementines.¹⁷⁸ That these theories were well established in England by the first quarter of the fourteenth century, and, in terms of the basic principles extracted from Pacwode's lecture, provided little cause for debate, is confirmed by the views on this subject expressed in the *Summa summarum* of William of Pagula, written between 1319 and 1322.¹⁷⁹

The lecture by Pacwode and the earlier treatise by Pagula share a common approach, in the sense that both men were as much analysts as compilers of canonical material — Pagula to a much greater extent, although this must in part be attributed to the different genres in which they worked. The *Summa summarum* has been likened to an encyclopedia of canon law,¹⁸⁰ and the arrangement of its contents in the form of questions and answers makes it possible to study systematically the section entitled *De sepulturis et iure funerandi* for any parallels or contradictions to the theories expounded in the Oxford lecture, as well as any additional material relevant to the 1429 proceedings before the Consistory Court of York.

¹⁷⁵ *ibid.*, 119.

¹⁷⁶ *ibid.*, 119.

¹⁷⁷ *ibid.*, 119.

¹⁷⁸ See A. Bernard, *La sépulture en droit canonique du décret de Gratien au Concile de Trente* (Paris, 1933), pp. 85-104, 166-178.

¹⁷⁹ L. E. Boyle, 'The *Summa Summarum* and Some Other English Works of Canon Law' in *Proceedings of the Second International Congress of Medieval Canon Law* (Rome, 1965), p. 419.

¹⁸⁰ *ibid.*, 422.

Condensed under the heading 'In qua ecclesia debet quis sepeliri?', Pagula evidences the same understanding of the law as Pacwode in regard to both the right of free choice of burial place and of the parish church to the *portio canonica*, and to the proper identification of that church: 'Dic quod in illa ecclesia in qua consuevit audire divina officia nisi sibi eligerit sepulturam, et tunc legitimam porcionem debet relinquere ecclesie in qua audivit divina officia'.¹⁸¹ This same point is rephrased in the following question and answer:

Quid si alibi eligat sepulturam quam in illa ecclesia in qua maiores sui solebant sepeliri, cui ecclesie danda est canonica porcio? Dic quod ecclesie parochiali dumtaxat in qua ille consuevit audire officia divina et ecclesiastica recipere sacramenta.¹⁸²

In respect to the premise on which the *libellus* of the actor in the 1429 instance rested — that parents could not exercise the right to choose interment outside the parish church for their children who died underage — Pagula offers the same conclusion, with the same reservation, as Pacwode: 'Dic quod sic, si hoc sit de consuetudine terre, aliter sunt sepeliendi cum suis maioribus vel in ecclesia parochiali'.¹⁸³

There are two additional points raised by Pagula which have some interest in relation to the Waghen-Sutton dispute. The first seems almost to be a forecast of the exhumation order issued by William Zouche in 1351 and introduced later into the 1429-31 proceedings, when Pagula states that 'qui recipit ad sepulturam corpus alienum in casu de iure non concessio ... ipsum corpus sepultum cum omnibus que occasione illius recipit cogetur reddere'.¹⁸⁴ The second is a provision which explains why the proctor for the actor in the Waghen case introduced a certain seemingly superfluous allegation, which he later made no real effort to prove: 'si religiosus vel secularis inducat alienum parochianum ad promittendum vel vovendum ut apud suam ecclesiam eligat sepulturam ... electio sepulture non tenet'.¹⁸⁵

This is only a fraction of what is contained in the *Summa summarum* on the subject of ecclesiastical burial — but as in the case of the Pacwode lecture, it is only the main premises outlining certain basic rights of the parish church and of the parishioners which are relevant to the

¹⁸¹ MS. Bodley 293, 121v.

¹⁸² *ibid.*, 121v.

¹⁸³ *ibid.*, 122v.

¹⁸⁴ *ibid.*, 122.

¹⁸⁵ *ibid.*, 121v.

quarrel fought for so many years between the church of Waghen and the chapel of Sutton.

These premises would later underlie yet another treatment of the subject of ecclesiastical burial by an equally distinguished academic,¹⁸⁶ John de Burgo, chancellor of the University of Cambridge. In the chapter entitled *De sepulturis* of his pastoral treatise, *Pupilla oculi*, written in 1385,¹⁸⁷ this author repeats most of the same points made earlier by both Pagula and Pacwode. Much of this material concerns particular situations which bear no relation to the dispute between Sutton and Waghen; there are, however, general statements of legal theory consistent with those already seen in the *Summa summarum* and the Oxford lecture:

Ad sciendum ubi quis sepeliri debet, nota quod ille qui decedit, nulla sepultura sibi electa, sepeliri debet in sepulchro parentum suorum.¹⁸⁸ Item possunt patres sepelire suos filios ubi voluerint si infra annos pubertatis, id est citra finem anni xiiii, moriantur, et consuetudo hoc habeat, alias non; tamen ipsi filii eligere non possunt nisi post lapsum dicti temporis.¹⁸⁹

De canonica porcione advertendum est: quod quando quis alibi elegit sepulturam quam apud suam ecclesiam parochialem, de omnibus que illi loco dimittit ubi sepelietur, ecclesia sua parochialis habebit canonicam porcionem.¹⁹⁰

III

SUMMARY

The general agreement that can be seen in these works — all in some way associated with university circles, and spanning the greater part of the fourteenth century — demonstrates that Richard Arnall, *baccalarius in utroque iure*, as a faculty-trained canonist had a consensus of opinion on which to draw in formulating his decision in the Waghen case. There only remains, then, to determine whether or not the sentence given for the actor was consistent with the 'substantive' law developed by that time.

¹⁸⁶ Boyle, 'The Summa Summarum', 418-9, for university association of Pagula.

¹⁸⁷ W. A. Pantin, *The English Church in the Fourteenth Century* (1955; rpt. Notre Dame, 1962), p. 213.

¹⁸⁸ John de Burgo, *Pupilla oculi* (London, 1516), 157v.

¹⁸⁹ *ibid.*, 158.

¹⁹⁰ *ibid.*, 158.

To understand the outcome of the 1429 instance, an important fact must first be considered. The original charge of the actor, stated in the *libellus*, was that the master of the college at Sutton had broken a recently-made agreement with the vicar of Waghen, and that by so doing he had violated his oath. The secondary level on which both sides constructed arguments — that is, on the question of the parochial status of the chapel — was only incidental to this main point. It may in fact have helped to sway the official towards deciding for the actor, but it should not have been the primary issue on which this judgment was based.

Since, however, the claim that the chapel of St. James was a parish church was a mainstay of the defense's case — or at least was the assertion which the Sutton proctor expended the greatest effort to prove — it should be placed within the context of the theory on ecclesiastical burial outlined previously. According to William of Pagula, John Pacwode and John de Burgo, as well as the continental canonists, the *ecclesia parochialis* was the church in which the divine office was heard and the sacraments were administered. On the basis of this principle, and the situation described in both the Sutton and Waghen testimony, the chapel of St. James was *de facto*, if not *de iure*, the parish church of the Sutton villagers. For it is clear from the depositions of the second set of Waghen witnesses that although at the time of the foundation of the college three feast days (Pentecost, All Saints and Peter and Paul) were set aside for the usual religious observances, with the payment of three half-pennies per person to be made at Waghen rather than at Sutton (presumably to establish, even on a token basis, the parochial rights of Waghen), sometime during the interval between 1346 and 1429 this practice was abandoned, and replaced by the sending of a deputy of the vicar of Waghen to Sutton to collect this money. In fact the weight of the testimony favors the conclusion that the only religious observances still made at Waghen by the inhabitants of the three villages in question were those associated with the act of interment. On the other hand, it is equally clear from the dearth of proof offered by the Sutton proctor on this point that this change in the accustomed procedure did not occur in response to a legally valid improvement in the status of the chapel.

This point aside, the case for the actor had several components, each developed in the course of the proceedings to varying extents, and rebutted by the Sutton lawyer with varying degrees of success. Premise number one was that an *amicabilis compositio* had been reached by the vicar and master allowing the latter to bury at Sutton those who had expressed this desire, with the *portio* reserved to Waghen: a copy of this

agreement was actually introduced as evidence, and its existence was conceded, though at times reluctantly, by the defense. The corollary to this was that the master had exceeded the terms of this agreement by burying villagers at Sutton, among them a number of children, who had not chosen to be interred there, and had kept the oblations owed to Waghen; this last clause refers to the fact that for all Sutton villagers buried at Waghen the church there received all the mortuaries and oblations made on the occasion of burial, while for those buried at Sutton the Waghen church received only the *portio canonica*, or one quarter. Thus if a person was buried at Sutton who should by rights have been buried at Waghen, the latter was in effect deprived of three quarters of its revenue. Neither side made any real effort to prove or disprove the allegation that adults had been interred at Sutton who had not made their wishes on this matter known beforehand. Instead, the case for either party was allowed to stand or fall on the one important area in the law of ecclesiastical burial deliberately left open to interpretation. The Waghen proctor relied on the fact that children had been buried at Sutton subsequent to the agreement to prove that it had been violated, based on the understanding that children could not elect a burial place for themselves (which could be substantiated in law) and that their parents could not decide for them (which was open to debate). The Sutton side countered by saying that interment at Sutton had been selected for these children by their parents, and thus denied any violation of the agreement with Waghen from this act.

Richard Arnall then had to decide if such an election by parents was valid. As professed by Pacwode and the others, the test of its acceptability was the *consuetudo terre*; this opinion was even inserted into the record through the testimony of a fellow lawyer and member of the archbishop's *familia*, John Selowe. From the fact that Arnall decided against the master and chaplains it must be concluded that he considered the custom of the area to be contrary to the procedure followed at Sutton.

This of course does not mean that the official could not have been influenced by other considerations, among them the general belief that the church of Waghen, as *mater ecclesie*, had certain rights vis-à-vis the chapel of St. James which had been gradually usurped over the course of eighty years; this, if nothing else, would provide a rationale for the abundance of materials introduced as evidence detailing the origins of the church and college. Another factor may have been the weight of the provincial legislation aimed at protecting the rights of such churches in

relation to their dependent foundations¹⁹¹ — a recurrent problem for ecclesiastical authorities as these institutions multiplied during the later Middle Ages.¹⁹² Yet a third might have been the peculiar situation — emphasized by the Waghen proctor — of a defendant who only a short time before had been so convinced of the right of the opposing side that he had, as vicar of Waghen, brought suit against his Sutton counterpart. Strictly speaking, however, the decision should have been addressed to the charges in the *libellus*, and given the manner in which the actor's case was developed, Arnall's interpretation of the law regarding child-burial and parental consent must have been of primary importance in making his decision.

This decision, however, was not the end of the matter. Following a well-established procedure, the proctor for the defense immediately upon hearing the sentence announced his intention to appeal on behalf of the master of Sutton to the Apostolic See.¹⁹³ In the interim between the promulgation of the official's sentence and its review by the Roman curia Robert Tyas resigned the vicarage of Waghen and Robert Merflete died;¹⁹⁴ they were replaced, respectively, by Simon Merflete¹⁹⁵ and Simon Sellere, and the appeal proceeded as though no change had occurred. The result of this appeal was the reversal of the sentence of Richard Arnall in favor of the vicar of Waghen by three papal auditors.¹⁹⁶ Subsequently Simon Sellere petitioned the pope to intervene in this matter, saying that he doubted whether the vicar Simon Merflete would obey the Rota decision; in a letter dated 3 October 1440 Eugenius IV ordered the bishops of Lincoln and Trau and the abbot of Nusum in the diocese of Lincoln to 'execute and publish the said sentence and cause the said Simon Sellere and chaplains to have peaceable enjoyment of the said right'¹⁹⁷

¹⁹¹ See F. M. Powicke and C. R. Cheney, eds., *Councils and Synods 2/2* (Oxford, 1964), pp. 766, 1002, 1056, 1272-3.

¹⁹² See K. L. Wood-Legh, *Studies in Church Life in England under Edward III* (Cambridge, 1934); A. H. Thompson, *The English Clergy and Their Organization in the Later Middle Ages* (Oxford, 1947), pp. 132-160; R. M. Haines, *The Administration of the Diocese of Worcester in the First Half of the Fourteenth Century* (London, 1965), pp. 225-257.

¹⁹³ MS. M2(3)c, 13v.

¹⁹⁴ CPL 9.135.

¹⁹⁵ There is a record of the admission of Simon Merflete to the vicarage of Waghen, 14 July 1431, in Dean and Chapter Library MS. H 2/3, 15v; cf. CPL 9.135. It is one of the ironies of the Sutton vs. Waghen dispute that Simon Merflete should have bequeathed a legacy to the chapel; James Raine, ed., *Testamenta Eboracensia 2* (Durham, 1855), pp. 261-2.

¹⁹⁶ MS. M2(3)c, 3-4v.

¹⁹⁷ CPL 9.135.

Up to this point the case of Waghen vs. Sutton can be considered an almost perfect exemplar for the functioning of the medieval ecclesiastical court system. The activities before the Consistory Court of York were procedurally correct, while the arguments raised and the decision rendered reflect a basic coherence and conformity to 'substantive' law. Nor did the appeal to Rome violate any jurisdictional or procedural norms; rather, following the reasoning of one respected historian, this stage of the case can be seen as the logical consequence of the sentence of the official:

The universal primacy and judicial supremacy of the pope were accepted in fact no less than in theory; it was therefore inevitable that those who could not obtain redress of grievances in their own provinces or diocese should wish to take their case to the court of appeal recognized by every ecclesiastical court in the West.¹⁹⁸

But if this case can be considered a fine example of how the system functioned, it also stands as proof that, in the final analysis, the system did not always work.

Seven years after the letter of Pope Eugenius ordering the execution of the Rota decision in favor of the master of Sutton, Archbishop John Kemp arbitrated the continuing quarrel between the vicar of Waghen and the master of Sutton;¹⁹⁹ the notice of this arbitration takes the form of an *inspeximus* of the original three sentences of the papal auditors,²⁰⁰ plus a contradictory sentence by another *auditor sacri palatii*, John Lohier,²⁰¹ to which is appended Kemp's own decision.²⁰² This arbitration, issued 8 April 1447, dictated, among others, the following terms: the inhabitants of Sutton, Stanefery and Lopholme were not to be held to receive the sacraments and make offerings at Waghen, but could do so at the chapel of St. James; the master *in recognicionem superioritatis ac honoris et reverencie debite dicte ecclesie de Waghen* had to pay to the rector or vicar an annual sum of thirteen shillings and four pennies; in addition, the parishioners from these three villages are to be held responsible for the usual offerings made on the feasts of Peter and Paul, All Saints and Pentecost, to be sent *per singulos principales incolas seu*

¹⁹⁸ Mary Cheney, 'The Compromise of Avranches of 1172 and the Spread of Canon Law in England', *English Historical Review* 56 (1941) 178.

¹⁹⁹ William Semanson, successor to Simon Sellere.

²⁰⁰ See n. 196.

²⁰¹ MS. M2(3)c, 4v-6v.

²⁰² *ibid.*, 6v-8.

inhabitatores, and for the repair of the church of Waghen.²⁰³ In one of the more significant provisions (in terms of the 1429 instance) Kemp definitely has the appearance of attempting to reverse the tide when he states that except for the bodies of the chaplains and master, the *ius funerandi* of all the inhabitants of these villages belongs to Waghen; on the other hand, an awareness of the length and intensity of this dispute can perhaps be seen in an echo of the 1351 exhumation order of William Zouche, when Kemp declares that the bodies unlawfully buried at Sutton, which *de rigore verum eciam equitate iuris* ought to be exhumed, are to be left there, and restitution made to Waghen.²⁰⁴

After another seven years, the quarrel between the vicar and master still remained unsettled, and the arbitration process was repeated. This time the archbishop of York, William Booth, appointed several men, as disinterested parties, to act as *amicabiles compositores*, and even went so far as to gain the assent of representatives from the concerned villages (sixty from Waghen alone) to the appointment of these men as arbitrators.²⁰⁵ The four men — Philip, abbot of Melsa, Sir John Melton, Richard Tone and John Marchall — declared first that the previous arbitration of John Kemp ought to be observed, and proceeded to detail some of the same points regarding the annual pension to be paid the vicar and rector and the sum the villagers were to pay as their share of the *onera parochialia*; they did, however, include one payment of special interest:

viginti solidos annuatim pro indemnitatibus ipsius ecclesie de Waghen et vicarie sue ad predicta festa Sancti Michelis et Annunciacionis Beate Marie Virginis per equales porciones, racione causa et pretextu quod incole et inhabitatores villarum sive hamelectarum de Sutton, Lopholme, Stanefery et cuiusdam parcelle de Dripole parochiani de Waghen predicto possunt habere liberam sepulturam suam infra ecclesiam sive capellam de Sutton et cimiterium eiusdem ad eorum electionem absque ultimo vale habendo in dicta ecclesia parochiali de Waghen.²⁰⁶

But if concessions were made in one area, the old regulations found in the original constitution of William Zouche were to be obeyed in regard to the offerings made on special feast days: ‘tamquam veri

²⁰³ *ibid.*, 7, 7v.

²⁰⁴ *ibid.*, 7v-8.

²⁰⁵ *ibid.*, 10r-v.

²⁰⁶ *ibid.*, 9.

parochiani ecclesie de Waghen predicte accedant ad predictam ecclesiam de Waghen cum oblacionibus suis'.²⁰⁷

This is the last word on the dispute between Sutton and Waghen contained in MS. M2(3)c. It could, perhaps, be conjectured that the gesture of Archbishop Booth towards the wishes of the local inhabitants had an effect which all the previous litigation, appeals and arbitration had failed to accomplish. On the other hand, that some one made the effort to collect all of these materials into one volume, allowing easy reference, might suggest a subsequent need for arbitration.²⁰⁸ In any case, the quarrel which the ecclesiastical courts could not settle was made a non-issue by the civil authorities with the suppression of the college in 1547.²⁰⁹

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²⁰⁷ *ibid.*, 9v.

²⁰⁸ That these materials were arranged in their final form after the arbitration by Kemp is suggested by the fact that the compiler, aware that Kemp included in his *inspeximus* the sentence of the official, did not bother to give the actual sentence although the lengthy preamble was included — in addition to the obvious fact that the Booth documents are later (although these could have been added subsequent to the initial compilation of the main body of the manuscript). Lohier's opinion that the three previous sentences were invalid because those auditors did not have the opportunity of reviewing all the pertinent *acta* might mean that the bulk of the materials contained in MS. M2(3)c were collected for his benefit; 4v.

²⁰⁹ *VCH*, p. 306.

PETER OF BLOIS AND POETRY AT THE COURT OF HENRY II

Peter Dronke

MUCH has been written about both Eleanor of Aquitaine and Henry II of England as patrons of literature and learning.¹ Their lives were tumultuous; they held court continually in different places, not only in England but in Normandy, Anjou, and Aquitaine. Yet notwithstanding their incessant travels, political intrigues, and violent personal conflicts, Henry and Eleanor were the recipients and ideal audience of an astounding range of literary works, vernacular and Latin. For many works we have a certain testimony that links them with the royal patrons — a dedication, or other evidence that a piece was commissioned; for many others the link can only be shown as probable, through circumstantial evidence. What is beyond doubt is that the Angevin and Norman court milieu harboured much of the most brilliant poetry of the mid-twelfth century, and that especially in the two decades from Henry's and Eleanor's accession to the English throne in 1154, to Eleanor's revolt against Henry and her consequent imprisonment in 1173, England was the highpoint of 'the Renaissance of the twelfth century'.

¹ Cf. especially, among more recent works, those of R. R. Bezzola, *Les origines et la formation de la littérature courtoise en occident (500-1200)* 3.1 (Paris, 1963); *La cour d'Angleterre comme centre littéraire sous les rois angevins (1154-1199)*; W. F. Schirmer and U. Broich, *Studien zum literarischen Patronat im England des 12. Jahrhunderts* (Cologne-Opladen, 1962); R. Lejeune, 'Rôle littéraire d'Aliénor d'Aquitaine et de sa famille', *Cultura neolatina* 14 (1954) 5-57; M. D. Legge, *Anglo-Norman Literature and Its Background* (Oxford, 1963), chaps. 4-5. Among older studies, W. Stubbs, 'Learning and Literature at the Court of Henry II', *Seventeen Lectures*, 3rd ed. (Oxford, 1900), pp. 132-78; C. H. Haskins, 'Henry II as a Patron of Literature' in *Essays in Mediaeval History Presented to Thomas Frederick Tout*, ed. A. G. Little and F. M. Powicke (Manchester, 1925), pp. 71-77; and V. H. Galbraith, 'The Literacy of the Medieval English Kings', *Proceedings of the British Academy* 21 (1935) 15-17, remain particularly valuable.

Already in Henry's childhood a great scholar-scientist, Adelard of Bath, had dedicated to him a treatise on the astrolabe² (just as Chaucer was to dedicate his to his 'litel sone', Lowys); later another scholar, Robert of Cricklade, compiled for Henry an epitome of natural history based on Pliny. In his thirty-five years on the English throne, Henry received mirrors of princes, chronicles, political, economic and legal writings, treatises on geography, falconry, even on shorthand, not to mention a series of panegyrics, collections of moral maxims, and edifying hagiographic works.

More distinctive of the court of Henry and Eleanor, on the other hand, is its range of vernacular verse chronicles and romances. Here we find the Norman passion for history expressing itself in a special way: it becomes a passion for lending poetic glory to the Angevin and Norman dynasty, by telling the exploits, historical and legendary, of all the ancestors, real and imaginary, of the race. That past was to be made a heroic and resplendent one, drawing the splendours and heroism of other legendary worlds into its orbit.

While we have not the certainty of external evidence, Rita Lejeune and Reto Bezzola have made it highly probable that the three early French 'romances of antiquity' — Benoît de Sainte-Maure's romance of Troy, and the anonymous epic romances of *Eneas* and of *Thebes* — were destined for Eleanor and Henry II. Wace's *Roman de Brut*, his poetic adaptation of Geoffrey of Monmouth's *History of the Kings of Britain*, in which he magnifies the figure of King Arthur that he found in his source, heightening the *courtoisie* of Arthur and Guinevere and setting them for the first time with their court at the famous 'round table', was dedicated to Queen Eleanor in 1155. But Arthur's great predecessor was Brutus, and Brutus had descended from Aeneas, so the worlds of Troy and of the founding of Rome could likewise become parts of that assimilated imaginative past.³

Wace was then commissioned to continue his poetic recreation of the past, and to link it with an equally glorious present: he was to versify the history of the dukes of Normandy, beginning with Henry II himself and going back through the ages to a legendary ancestor, Rollo. But

² Cf. C. H. Haskins, 'Adelard of Bath and Henry Plantagenet', *English Historical Review* 28 (1913) 515 f.; idem, *Studies in the History of Mediaeval Science*, 2nd ed. (rpt. New York, 1960), pp. 28-29.

³ Cf. Ph. A. Becker, 'Die Normannenchroniken: Wace und seine Bearbeiter', *Zur romanischen Literaturgeschichte* (Munich, 1967), pp. 466-95, esp. pp. 482-3; U. Broich, *Patronat in England*, pp. 92-93.

about 1174 the king deprived poor Wace of the commission, to give it instead to the rival poet Benoît de Sainte-Maure. Was this because Wace was too closely attached to Queen Eleanor, as Madame Lejeune suggests?⁴ Or was it because Wace was taking an awfully long time over his assignment, as the more prosaic Herr Broich has proposed?⁵ I suspect there may be still another answer: that Henry was a perceptive enough critic to know how much better a poet Benoît was than Wace — that Benoît's richly varied Troy-romance had impressed Henry sufficiently for him to feel, there was the man to whom he should entrust his hopes of immortality. Other verse chronicles, Anglo-Norman and Latin (Jordan Fantosme, Etienne de Rouen) can likewise be seen in the perspective of this almost programmatic obsession with a highly-coloured — true and fictive — past.

With other epics and romances, the associations with the English court are more conjectural. There are some good grounds for supposing that the famous Oxford manuscript of the *Chanson de Roland* was deliberately linked with Henry II: certain details that occur only in the Oxford version of the poem can hardly be accounted for except as allusive compliments to the king.⁶ Again, Miss Legge suggests that the delightful Anglo-Norman *Romance of Horn* may have been written in connection with the Christmas festivities of 1171, when Henry II was at Dublin, and thus may likewise contain topical compliments.⁷ So, too, it is likely that the strange romances of Gautier d'Arras, whose creativeness and individuality are only now receiving full recognition,⁸ can be associated in some way with Queen Eleanor, at least with her continental sojourns: the poet, Gautier, became Eleanor's son-in-law.⁹

⁴ 'Rôle littéraire', 26.

⁵ Cf. U. Broich, *Patronat in England*, pp. 86-88. While Broich mentions the possibility — surmised by several older scholars — that Henry preferred Benoît to Wace on poetic grounds, he claims there is no evidence 'dass bei dem literarischen Interesse des Königs auch künstlerische Gründe eine Rolle spielten'. It is true that we have no direct testimonies of the king's literary judgements; but if we recall the full artistic range of the poetry associated with Henry's court — as outlined by Bezzola in his admirable presentation — it is hard to imagine that the patron of such poetry was alert only to its propagandist aspect.

⁶ U. Broich, *Patronat in England*, pp. 104-7.

⁷ *Anglo-Norman Literature*, p. 99.

⁸ See P. Nykrog, 'Two Creators of Narrative Form in Twelfth-Century France: Gautier d'Arras — Chrétien de Troyes', *Speculum* 48 (1973) 258-76; cf. also G. Raynaud de Lage in *Mélanges de langue et de littérature médiévales offerts à Pierre Le Gentil* (Paris, 1973), pp. 707-13; idem in *Studi di filologia romanza offerti a Silvio Pellegrini* (Padua, 1971), pp. 489-94; M. Delbouille in *Etudes de langue et de littérature du moyen âge offertes à Félix Lecoy* (Paris, 1973), pp. 55-65.

⁹ R. Lejeune, 'Rôle littéraire', 42.

But there are poets of even greater stature than Gautier whom we know to have been associated with Henry's and Eleanor's court in England. The troubadour Bernart de Ventadour made a journey to England to follow his beloved — whom he calls by the cover-name Aziman, 'lodestone'; and even if we discount the frequently-made suggestion that Aziman was no other than Queen Eleanor herself (and I think we should almost certainly discount it), the fact remains that Bernart, perhaps the tenderest and subtlest of all the Provençal love-poets, dedicates a whole group of his lyrics to the English king. The king is mentioned in five of Bernart's songs, Eleanor, *la reïna dels Normans*, in one.¹⁰ With the *lais* of Marie de France, again, the dedication is to a king — almost certainly Henry II — but the detailed links are with Queen Eleanor: as Madame Lejeune has shown, the geography of several of the *lais* shows that Marie was in the entourage of Eleanor in the years 1162-5, and alludes to the places she visited in the queen's company.¹¹ Finally, there is no direct, but considerable circumstantial, evidence that the *Tristan* of Thomas of England, as well as the early poetry of Chrétien de Troyes, up to and including his romance *Erec et Enide*, were composed in the ambience of Eleanor and the English court. Indeed it seems likely that the exceptionally sumptuous court held by Henry and Eleanor at Nantes in the Christmas days of 1169 is deliberately recalled by Chrétien in his description of the coronation-feast of his hero and heroine, which significantly he sets at Nantes.¹²

In the lyrics of Bernart, the *lais* of Marie, and the romances of Thomas and Chrétien, we encounter some of the most original poetry of the twelfth century: these are poets who have permanently widened our boundaries of imagination and expression, technique and genre, and whose achievement for centuries afterwards helped to determine what poetry in certain genres could be. I would not make so high a claim for even the finest of the Latin poetry that we can associate with the English court. Nonetheless, four major Latin poets deserve mention: Joseph of Exeter,¹³ Nigel of Longchamps,¹⁴ Walter of Châtillon,

¹⁰ C. Appel, ed., *Bernart von Ventadorn* (Halle a. S., 1915), pp. xxxiv ff., lvi ff.

¹¹ 'Rôle littéraire', 39-40.

¹² *ibid.*, 29.

¹³ There are a number of indications that Joseph held a post at court and was a 'court poet': cf. R. R. Bezzola, *La cour d'Angleterre*, pp. 146-9.

¹⁴ Despite the fact that Bezzola (*La cour d'Angleterre*, p. 5) regards Nigel as one of Henry's clerical circle, I know of no evidence of a direct link of the poet with Henry or Eleanor. Nigel's major work is dedicated to William of Longchamps, who was regent of England while Richard Cœur-de-Lion was on crusade.

and Peter of Blois. The chief extant work of Joseph, his vastly influential epic of Troy, which was known to Chaucer and many others as 'the Iliad of Phrygian Dares' (*Frigii Daretis Ylias*), is a virtuoso performance in a manneristic style derived from late antiquity. Apart from this, only the fragment of a crusading epic, two minor religious poems, and three letters of his survive.¹⁵ What distinguishes the other three Latin poets, and sets them apart, moreover, from all the vernacular poets to whom I have alluded, is the ambivalence that lurks in nearly every aspect of their poetry and their personalities. Clerical and anti-clerical, courtly and anti-courtly, bawdy and spiritual, romantic and cynical, satirizing themselves and others, their poetry can be seen as a continual embodiment of that *sic et non* which characterizes not only Abelard's contradictions and inner tensions but also the outlook of many of his most sensitive successors in the twelfth-century clerical world.¹⁶

Nigel's masterpiece, the *Speculum stultorum*¹⁷ (or as Chaucer calls it, 'Daun Burnel the Ass'), is far more than anti-clerical satire, to amuse and instruct, by an author who has his own high but un pompous ideal of what the clerical life could be. Underlying the medley of satire and 'sentence', of stories within stories, exempla, picaresque narrative, fables and burlesques — we must reckon with the possibility that Petronius or Apuleius, rare authors though they were at this time, played a part in determining Nigel's choice of form and techniques¹⁸ — there is the more fundamental ambivalence of the narrator himself: Burnellus who is both ass and monk, laughter and laughed at, the

¹⁵ There is now a complete edition by L. Gompf: *Joseph Iscanus: Werke und Briefe* (Leiden-Cologne, 1970).

¹⁶ Where the title of Abelard's treatise suggests the putting forward of contrary positions, his prologue (PL 178. 1339 ff.) stresses that the confrontation is made in order to allow further enquiry to remove both apparent and real inconsistencies. In the poetic contexts alluded to here, the contrary positions often remain unresolved, at least in terms of their imaginative development by the poets.

¹⁷ Ed. J. H. Mozley and R. R. Raymo (Berkeley-Los Angeles, 1960).

¹⁸ Petronius was known to John of Salisbury: see C. C. J. Webb's edition of the *Polycraticus* 1 (Oxford, 1909), p. xxxii, and idem, 'Index nominum propriorum', 2. 439 ff., under both 'Arbiter' and 'Petronius' (he is cited several times in John's major work). There are also Petronian allusions in the song *Ex ungue primo teneram* (cf. my *Medieval Latin and the Rise of European Love-Lyric*, 2nd ed., 2 (Oxford, 1968), p. 380), which I would attribute to Peter of Blois (see Appendix A below). While the only extant codex of Apuleius' *Metamorphoses* known to have been available before 1200 (Laurentianus 68,2) was at Monte Cassino, there are references to the work in seven fourteenth- and fifteenth-century library catalogues, French, English, Italian and Spanish (cf. M. Manitius, *Handschriften antiker Autoren in mittelalterlichen Bibliothekskatalogen* (Leipzig, 1935), pp. 149-51).

world-reformer who is himself incorrigible, Burnellus whom, even in his most telling satire of the topsy-turvy world around him, the poet presents with a satiric edge.

What are we to make of Walter of Châtillon, if we recall the full range of his lyrics?¹⁹ His hymns on Christmas and the Incarnation show an intense, compact and dialectic use of imagery that brings them close to Donne's *Holy Sonnets*; and again like Donne, Walter composed a range of love-songs varied in tone and mood: playful, idealizing, sensual, ruefully humorous, bitterly ironic, often intellectually precious, now and again limpidly serene. Then there are the satires — though, unlike Donne's *Satyres*, Walter's have the specific targets of mercenary clergy, the corrupt papal court in Rome, the debasement of academic life, and even (on one occasion, after the murder of Thomas Becket) Henry II himself. Walter, in the years of harsh conflict between the king and Becket, had fled from Henry's court, where he served as administrator and diplomat, like his friend John of Salisbury, returning to the Continent and to teaching and writing. Had he remained, and had he been less deeply committed to Becket's side, his epic on Alexander would doubtless have been dedicated to the king rather than to a Norman archbishop. What I would stress in contrast with John Donne, however, is that this poet, so passionately serious and so elegantly frivolous, whose language can be now mystical, now profane, does not seem to have undergone any 'conversion': there is no way of assigning his profanities to an earlier period, his spirituality to a later. Moreover, Walter could make his definition of profane love piercingly serious,²⁰ and attach his serious critiques of the Church to the Feast of Fools.²¹ The *sic et non* seems to have pervaded all his thought.

The poet on whom I should like to focus more closely in this essay, Peter of Blois, exemplifies the quality of *sic et non* perhaps more remarkably than any of his contemporaries.²² We have various in-

¹⁹ K. Strecker, ed., *Die Lieder Walters von Châtillon in der Hs. 351 von St. Omer* (Berlin, 1925); *Moralisch-satirische Gedichte Walters von Châtillon* (Heidelberg, 1929). There are further poems which are probably 'school of Walter of Châtillon' rather than by Walter himself: cf. K. Strecker, 'Walter von Châtillon und seine Schule II', *Zeitschrift für deutsches Altertum* 52 (1927) 161 ff.; F. J. E. Raby, *Secular Latin Poetry*, 2nd ed., 2 (Oxford, 1957), pp. 204-14; in my view this applies also to most of the collection printed by A. Wilmart as 'Poèmes de Gautier de Châtillon dans un ms. de Charleville', *Revue bénédictine* 49 (1937) 121-69, 322-65.

²⁰ 'Dulcis aure temperies', *Die Lieder ... von St. Omer* no. 25, pp. 42-44.

²¹ Cf. most recently P. G. Schmidt, 'Das Zitat in der Vagantendichtung: Bakelfest und Vagantentrophe cum auctoritate', *Antike und Abendland* 20 (1974) 74-87.

²² In a recent essay devoted to Peter ('Peter of Blois: A Twelfth Century Humanist?'), Sir Richard

dications of his cosmopolitan outer life.²³ Born into an aristocratic family at Blois around 1135, a law student in Bologna, a young scholar in Tours,²⁴ tutor to William II in Palermo, but forced to leave there suddenly in 1168 because of a political intrigue; then, by way of various minor administrative posts, chaplain and secretary to Henry II. Peter retained the king's confidence, and became his ambassador on a number of important missions, to the king of France and to the pope. He was indeed a diplomat: in the fierce conflict of powers between Church and State, he had none of Becket's heroism, or fanaticism: it was his nature to see two sides to this question, as to others. He claims to have assembled and published his collection of letters at the king's command, and I see no serious reason to doubt this claim, though some scholars have done so.²⁵ After Henry's death in 1189, he became secretary to Queen Eleanor: in 1192 he wrote letters, as well as a political song, for her sake, to help win the ransom and release from prison of her loved son Richard Cœur-de-Lion. Peter died probably in 1212, patronless and poor, having outlived the queen by eight years.

What can we know about his poetry? Walter of Châtillon celebrates Peter as one of the four leading Latin poets of the age.²⁶ Yet today Peter is generally known only as the author of two lyrical and two metrical compositions. Even major scholars such as Manitius, Raby and Bezzola have continued to assume that what is printed in the nineteenth-century editions are Peter's only two undisputed lyrical pieces. Since 1930, however, specialists have been suggesting the attribution of various anonymous songs to Peter of Blois.²⁷ A few years

Southern claims that, after he 'had spent a long time thinking about Peter of Blois ... everywhere behind the attractive exterior there appeared to be a deep emptiness, a lack of thought, of originality, of anything but conventional feelings' (*Medieval Humanism and Other Studies* (Oxford, 1970), pp. 106-7). By contrast, from the chapter on Peter of Blois in Bezzola (*La cour d'Angleterre*, pp. 31-46), Peter emerges as one of the most individual and fascinating personalities of the twelfth century. The testing of even a few of Bezzola's indications will, I think, reveal that — tantalizing as Peter's writing often is — it requires a closer and more sensitive reading than Southern has accorded it.

²³ Apart from the details mentioned in Southern (*Medieval Humanism*, pp. 105-32) and Bezzola (*La cour d'Angleterre*, pp. 31-46), the essay of J. A. Robinson, in his *Somerset Historical Essays* (London, 1921), pp. 100-140, though dated in some respects, is rich in information.

²⁴ Cf. *Ep.* 12, *Ad quemdam nepotem suum* (PL 207.39B): 'Mitte mihi versus et ludicra, quae feci Turonis: et scias cum apud me transcripta fuerint, eadem sine dilatione aliqua rehabebis.'

²⁵ Cf. R. W. Southern, *Medieval Humanism*, pp. 114-15.

²⁶ *Moralisch-satirische Gedichte* no. 3, p. 41.

²⁷ F. J. E. Raby, *Secular Latin Poetry* 2.323, and Bezzola, *La cour d'Angleterre*, p. 38 refer to the song *De luctu carnis et spiritus* and to the 'rhythmical piece', 'le long poème rythmique', *Contra clericos volup-*

ago I attempted to draw up for the first time a tentative canon of at least 36 songs for Peter, including a number of new ascriptions.²⁸ The problems are by no means settled, but today I feel able to suggest of some 50 songs that they can, with greater or lesser degrees of certainty, be ascribed to Peter of Blois.²⁹ The list remains open, and may well still increase as our knowledge of twelfth-century lyric increases. And even if many of the ascriptions should be debated again in the future, I think that Peter of Blois is at least beginning to emerge, alongside his friend

tati deditos. M. Manitius, *Geschichte der lateinischen Literatur des Mittelalters* 3 (Munich, 1931), pp. 298-9, even attempts a detailed paraphrase of the latter on the assumption that it is a unified composition. Otto Schumann, *Carmina Burana* 2.1: *Kommentar* (Heidelberg, 1930), pp. 47-49, had, however, shown that the so-called *Contra clericos* ... was in fact a gallimaufry of five songs which the nineteenth-century editors (J. A. Giles, ed., *Opera omnia* 4 (London, 1847), pp. 337 ff.; PL 207.1129-36) had not known how to disentangle. (Curiously, C. L. Kingsford, *English Historical Review* 5 (1890) 326, who worked with the Oxford MS. Bodley Add. A. 44, saw that this MS. prints *Contra clericos* ... as four — not five — separate pieces, but drew the wrong conclusion from this, speaking of 'the remainder of the poem', 'the whole poem', etc.). Moreover, Schumann argued (*Kommentar*, pp. 47-9) for the attribution of a further five songs to Peter: *Carmina Burana* nos. 29, 30, 31, and 63, and the song of the Prodigal Son in *Analecta hymnica* 21, no. 165 (I fully concur with these attributions — see Appendix A below). As Schumann made these suggestions in the midst of some notes to an anonymous song in the *Carmina Burana* (31), his arguments found no echo. Even Paul Lehmann, for instance, in the revised edition of his *Die Parodie im Mittelalter* (Stuttgart, 1963), p. 156, continued to speak of 'In nova fert animus' as 'Str. 9 seines Gedichtes "Contra clericos voluptati deditos"'. Similarly, the observation of Hans Spanke, who tentatively linked Peter's name with the Arundel collection of Latin lyrics, went unnoticed: it was an aside in his review of Hilka and Schumann's first fascicule of the *Carmina Burana* (*Literaturblatt für germanische und romanische Philologie* 52, 1931, col. 118). After Schumann and Spanke, Raby, *Secular Latin Poetry* 2.141, made the perceptive suggestion that the song *Post dubiam*, addressed to Henry II and referring to experiences in Sicily, could well be by Peter. On the possible ascription of some French verses to Peter, see *Histoire littéraire de la France* 15 (Paris, 1820), p. 417, though we must today discount the existence of 'Pierre de Blois, Chancelier de l'église de Chartres' (*ibid.*, pp. 415-18).

²⁸ *The Medieval Lyric* (London, 1968), p. 252. Through a printing error, the number '63' (referring to *Olim sudor Herculis*) was omitted from the group of *Carmina Burana* numbers cited. This slip was rectified in the German edition (*Die Lyrik des Mittelalters* (Munich, 1973), p. 277).

²⁹ See the indications in Appendix A below. Bernhard Bischoff, who kindly read this essay before publication, would wish to add a number of further anonymous pieces to the tentative list in Appendix A, and hopes himself to return to this problem. Of particular interest to me is his attribution to Peter of the sequence *Ni lavare laterem*, which Wilmart, who edited it from the Oxford MS. Bodley Add. A. 44 (*Mediaeval and Renaissance Studies* 4 (1958) 39-40), had ascribed to Walter of Châtillon. While in my view theme, language and imagery in this lyric are clearly those of Walter (even to the use of *Ars amatoria* 2.280 as the 'curtain line', the *autoritas*), the rhythmic patterns are Peter's, and the song shows Peter's unusual use of a refrain after each half-stanza of a sequence (see below, p. 218. If the song is indeed Peter's — and I am inclined to accept this — it would suggest that Peter began composing lyrical verse in the shadow of his friend Walter of Châtillon, and that *Ni lavare laterem* shows us one of his earliest songs, still very derivative in content and expression, yet moving towards distinctive innovations in form. (The alternative explanation, that here a slightly later poet imitates both Walter's language and Peter's formal devices, cannot, of course, be excluded).

Walter of Châtillon, as the outstanding Latin lyric poet of the later twelfth century.³⁰

Like Walter's lyrics, Peter's include love-songs displaying a whole spectrum of manners and emotions; some of the 'moral-satirical' songs so characteristic of the Latin poetry of this time; songs that convey his response to particular historical occasions, praising or blaming prominent political figures; a few directly religious lyrics; and two groups of songs that are especially distinctive of his art: a number that protest his repentance for past profanities and a desire to reform his life, and a number of poetic debates. My principal concern in what follows will be with two poems in the debate group: here I believe we can come closest to perceiving the essential in his mind and artistry, and through this, gain a sharper sense of the imagination of the age.

For Peter's writing stands, again and again, under the sign of *sic et non* — but also, we might say, of *odi et amo*. This is evident even if, laying aside all conjecture, we consider only some of his letters and the poems that are certainly his. What emerges is a man who hates the courtier's life and also loves it; who hates the lasciviousness of his youthful songs, and yet loves to return to those songs as he grows older;³¹ a man who loves repenting, and gazing back at what he is repenting of. One of his finest lyrics — a highly probable, not certain, attribution — is a dramatic recreation of the Prodigal Son,³² where the sense of achieved repentance emerges more strongly than in any other of Peter's songs. Yet the conception of the Prodigal Son that seems to me to come closest to expressing Peter's personality as a whole is that portrayed in the painting by Hieronymus Bosch, who shows him, no longer young, looking back over his shoulder, wide-eyed and wistful rather than ashamed.

In Peter's collection of letters there are two pairs of letters, two diptychs, in which I would see a remarkable affinity to debate poetry. He writes to the chaplains of Henry II's court: for a long time he has en-

³⁰ This is not, of course, to forget or to belittle the achievement of the Archpoet, whose extant compositions (nine poems and a fragment) seem to belong to the first half of the 1160's; but his artistry is difficult to compare with that of Walter or Peter, of whom so wide a range of lyric survives, and whose lyrical poetry (unlike the longer poems of the Archpoet) was clearly intended for singing rather than speaking.

³¹ These features will emerge more clearly in the citations from letters given below. The way in which Peter harked back to the ludicra of his youth is indicated especially by the request to his nephew cited above (n. 24).

³² *Non carnis est sed spiritus*, attributed to Peter by Schumann (see n. 27 above). I give a new text of this song below, in Appendix C.

joyed their affection and dwelt as a friend in their midst. Then he was afflicted by an illness so severe as to be nearly fatal, that compelled him to leave the court; in the abject misery of his illness he reflected, and

I knew that the courtier's life is the death of the soul; I recalled that it is damnable in a cleric to mix in courtly or worldly affairs ... For this vainest of vanities our courtiers today contend, 'in toil and distress, in many vigils, in great perils' ...³³

Peter goes on to adapt more and more of Saint Paul's litany of the hardships he bore for Christ,³⁴ and concludes, with bitter irony,

Courtiers would indeed deserve the glorious crown of martyrdom if they suffered these things for the sake of Christ's name. Now, instead, they are the world's martyrs, the professors of worldliness, the court's disciples, the knights of Herluin ... through their great tribulations they earn the reward of — hell.

Herluin, originally a Germanic name for the god Woden, survived in popular belief as the leader of the wild hunt, the cavalcade of the dead.³⁵ Peter is claiming that the courtier-clerics make themselves the paladins of the prince of darkness. He vividly evokes not only the court's insecurities, but its profanities:

The king's court is constantly followed by actors, prostitutes, gamblers, honeyed adulators, hucksters, cake-sellers, mime-players, maskers, every kind of juggler.³⁶

The last phrase, cited from one of Horace's *Sermones*,³⁷ may carry the suggestion, as in the original context, that these are all spongers and

³³ *Ep.* 14 (PL 207.43B, 44B).

³⁴ 2 Cor 11: 27 (Peter then returns to phrases from 11: 26).

³⁵ Cf. Walter Map, *De nugis curialium* 1.11 (Herla), 4.13 (Herlethingus). On the forms of the name, and the traditions associated with it, see H. Flasdieck, 'Harlekin', *Anglia* 61 (1937) 225-340, 66 (1942) 59-69. Flasdieck discusses the testimonies of Walter and Peter, as well as the even older testimony in Ordericus Vitalis' *Historia ecclesiastica* (Herlechinus 8.17, ed. Le Prévost 3 (Paris, 1843), p. 371) in the first article, pp. 250-4.

³⁶ PL 207.49A: 'Regis enim curiam sequuntur assidue histriones, candidatrices, aleatores, dulcorarii, caupones, nebulatores, mimi, barbatores, balatrones, hoc genus omne.' For *candidatrix*, 'prostitute', see R. E. Latham, *Revised Medieval Latin Word-List*, s.v.; Du Cange, s.v., glosses the word as 'blanchisseuse'; for *dulcorarius*, Latham s.v. gives 'flatterer', and Du Cange s.v. similarly, citing John of Salisbury, *Polycraticus* 8.13; for *nebulator*, *Novum glossarium* s.v. tentatively proposes 'marchand d'oublies ou de friandises', citing only this passage of Peter's (*nebularius* is attested c. 1136, in the English *Constitutio domus regis*, meaning 'pâtissier'); for *barbator*, I accept Du Cange's interpretation (s.v., with excellent discussion and analogues), rather than Latham's suggestion of 'barber'.

³⁷ *Serm.* 1.2, 2 (*mendici, mimae, balatrones, hoc genus omne*).

parasites. Peter concludes his letter: 'I shall think back on my lost days "in the bitterness of my soul" (here he is adapting a phrase from *Job*),³⁸ and I shall sacrifice the rest of my years to studies and to peace.'

It has not, I think, been noticed that, in quite another part of the vast collection, there is a letter in which Peter specifically retracts the sweeping condemnations he had made in this one.³⁹ Again he writes to the clergy of Henry's court, now saying:

In anguish of body and in danger of death, I wrote you a letter in which I seemed to dissuade you too vehemently from the business — not to say the baseness — of courtly life. For at that time, stricken by grievous illness, and thus impelled by grievous repentance, I deemed not only the court but the world and all worldly things unclean and damnable. As you have learnt from experience, sickness is a manifest image of shipwreck; for when the ship is dashed upon the rocks, or buffeted by the stormy fury of winds and waves, all the world's precious things seem base, and whatever was an occasion of bliss (*voluptas*) turns into repentance. So if my letter of exhortation flowed to you out of a crushed and abased heart,⁴⁰ it was not right that any of you should be scandalized on account of it ...

Certainly it is dangerous to dwell⁴¹ at court ... yet I do not condemn the life of courtiers, who, though they have no time for prayer and contemplation, are nonetheless busied with what is useful to the State and frequently accomplish works of salvation ...⁴²

³⁸ Job 10: 1. It is noteworthy that both the phrase from Horace and the one from Job are adapted in the two 'confessions' of the Archpoet: the one in *Fama tuba dante sonum* (1.10), the other in *Estuans intrinsecus* (1.2). It would be over-hasty, however, to conclude from this to Peter's acquaintance with these 'confessions', especially as *Fama tuba* survives only in the one (Göttingen) manuscript.

³⁹ *Ep.* 150 (PL 207.439-42). After the completion of this essay there appeared E. C. Higonnet's study, 'Spiritual Ideas in the Letters of Peter of Blois', *Speculum* 50 (1975) 218-44. Dr. Higonnet recognizes the complementary nature of *Epp.* 14 and 150, adding some acute observations (pp. 230-1) on the way Peter's fluctuations of attitude are reflected in the different stages of his collection.

⁴⁰ Peter (440A) adapts the Psalmist's phrase (Ps. 50:19), 'Cor contritum et humiliatum, Deus, non despicias' — though its connotations in his letter, where the stress is solely on his human depression, are different from those in the Psalm, where the idea of dedicating and sacrificing the contrite heart to God is uppermost.

⁴¹ The text (440B) has 'Sane periculosum est in curia mori'; in translating, I have assumed *mori* to be an error for *morari*.

⁴² The identity of the good, the honourable and the useful (*bonum, honestum, utile*) is explicitly argued near the close of the *Moralium dogma philosophorum* (c. 1149-52), a compilation that was very probably assembled by William of Conches, for an Henricus who may well be Henry II before his accession to the English throne. The work enjoyed a vast fortune both in Latin and in various vernacular translations. (The best edition is by J. Holmberg, *Das Moraliū Dogma Philosophorum des Guillaume de Conches* (Uppsala, 1929); the most judicious discussion of the authorship is that of Tullio Gregory, *Anima mundi* (Florence, 1955), pp. 19-26).

Indeed I confess it is a holy thing to assist our lord the king: for he is holy and is the Lord's anointed ... Since ancient times it has been desirable to find grace in the eyes of princes — for as the moral philosopher testifies,

It is not the least of honours to please great men.⁴³
So I think it not only laudable but glorious to assist our lord the king, to administer the State, to be unmindful of oneself, wholly dedicated to all mankind. And yet, through me no one will be tied by the courtly chain, through me no one will be freed from it. Let each person follow and keep to the decision of his own will.

At the close of this letter, Peter explicitly acknowledges the *sic et non* quality of his writing — 'since I shall be convicted of having written diverse and perhaps contrary things in this letter and in the one I previously sent you' — but he claims that Didymus and even Solomon contradicted themselves in such ways. And if the courtier-clerics interpret his words with a well-disposed spirit, he says, they will find no contradiction 'either in your Ecclesiastes or in your friend from Blois'.

The image of the ship buffeted by winds and waves, and the dictum of Horace (here called *ethicus*, moral philosopher)⁴⁴ about its being no dishonour to serve a *princeps*, play vital roles in the two debate-poems we shall consider. But first I would signal briefly the other, more enigmatic, diptych among Peter's letters: here it is a question of two adjoining letters in the collection, and their character has been — I think brilliantly — recognized by Reto Bezzola. The problem is that this pair of letters is from Peter of Blois to another Peter of Blois. Of this second Peter, historians have been able to discover nothing — which is strange, in that the first Peter assures the second that he has written master-pieces which will make him immortal! Bezzola suggests:

Is not this second master Peter of Blois a fictive personage, like Augustinus in Petrarch's *Secretum* — an *alter ego* to whom Peter of Blois addresses two letters, one of which severely condemns his own profane poetry, and the other exalts it as a part of poetry as a whole?⁴⁵

⁴³ Horace, *Ep.* 1.17. 35.

⁴⁴ Cf. B. Bischoff, 'Living with the Satirists' in *Classical Influences on European Culture A.D. 500-1500*, ed. R. R. Bolgar (Cambridge, 1971), pp. 90 ff.

⁴⁵ *La cour d'Angleterre*, p. 41. The passage that might seem to speak most persuasively for the existence of a second *real* Peter of Blois occurs in a letter of Peter's to John of Salisbury, who became bishop of Chartres in 1176, congratulating him on his appointment: John, he says, has provided a haven at Chartres for the exiled and fugitive clergy of Blois:

sed primitias beneficiorum vestrorum consecrastis in eo, quem me alterum sentio, qui me totum gerit animo, vultu, nomine, cognomine et statura. Ille iuxta suorum exigentiam

This explanation would give greater point to many aspects of the first letter — to phrases such as ‘I do not spare you, so that God may spare both me and you’, or ‘How long, then, will you limp in two directions?’⁴⁶ — and especially to the long tirade along the lines of ‘What’s Hecuba to him or he to Hecuba?’:

What are they to you, these vanities and false insanities? What are they to you, the fabled loves of pagan gods, you who should have been an organ of truth? What madness to sing fabled songs of Hercules and Jupiter, and to recede from the God who is ‘way, truth, and life’ ... Already you have a sprinkling of white hairs, and still you spend your time on puerilities ... It’s a madcap thing to sing of illicit loves, and vaunt yourself a seducer of young girls ... What’s Jove to you, what’s Hercules to you? ...⁴⁷

Such exclamations appear in a new light if we attribute to Peter a group of love-songs with precisely these themes — the amours of Hercules and of Jupiter, and songs in which a lover describes a successful seduction in exultant detail.⁴⁸ In the second letter, by contrast, there is

meritorium, si ad vitam, si ad mores, si ad litteraturam respicias, dignus est ut ei plenioris gratiae oleum infundatur. (*Ep.* 114, PL 207.342B)

As Clerval pointed out (*Les écoles de Chartres au moyen-âge* (Paris, 1895), p. 299), during John’s pontificate at Chartres, in 1181, a *magister Petrus Blesensis* signs a charter there, but Clerval is also careful to stress that there is no evidence that this signatory was actually a teacher at Chartres. From other letters of Peter’s we know that he very much *hoped* for a prebend at Chartres: he writes to William of Champagne:

sed vestra promissio, et nativi dulcedo aeris me fortius trahunt, et maxime praebendae Car-notensis desiderium, in quo mihi spem dedistis ... (*Ep.* 128, PL 207.381B)

We also know that Peter continued to be disappointed in his hope, and indeed that through a slander his friendship with John of Salisbury was jeopardized (*Ep.* 130). And we have some evidence that Peter’s attachment to Chartres was due to his having spent time there in his youth (*Ep.* 218, PL 207.508A — ‘in qua omnia fidei Christianae sacramenta percepi’ — though Clerval (pp. 293 ff.) perhaps builds too much on this phrase).

A closer look at the passage in *Ep.* 114 suggests two things: that John, with whom Peter was intimate at the time, was familiar with Peter’s *alter ego* device, and would have enjoyed the pointed wit by which the hope for even further favours is expressed; and that the *primitias beneficiorum* do not necessarily, and in fact cannot, refer to a post at Chartres. That John helped Peter professionally in some way is clear from *Ep.* 130 (‘Scio et recolo incessanter, quae et quanta fecistis mihi’); I have yet to see any independent evidence that there was a second historical Peter of Blois whom John likewise helped.

⁴⁶ ‘Non parco tibi, ut mihi et tibi parcat Deus’ (*Ep.* 76, PL 207.232A); ‘Usquequo igitur claudicas in duas partes?’, (235B).

⁴⁷ *ibid.* 232B–234A.

⁴⁸ See Appendix A, nos. 5, 8, 14, 20, 27, 43, 45, 46.

no trace of blame for the other Peter of Blois: Peter rejoices at having the same name as he, in the hope that he will share the glory — he does not say specifically, of love-songs, but of *elegantia*, and of songs in praise of the great; he speaks approvingly of a fame that is won 'by acquisition of wealth or familiarity with magnates, or by the favour of the populace, or by writings' ('vel acquisitione reddituum vel magnatum familiaritate, vel populi favore, vel scriptis'), in short, a worldly fame: the expressions are strikingly similar to some used by the courtier in the dialogue we shall consider. 'Our' writings are imperishable, he maintains.⁴⁹

What are we to make of these diptychs? Was Peter basically a hypocrite? I think not. Indeed I know of few medieval authors who have as searching an insight as Peter into the nature of hypocrisy. This becomes particularly clear if we consider Peter's passage on tears — a passage often alluded to out of context — in the framework of his meditation on confession and penitence, where it occurs:

Know, then, that the grace of tears is as it were a divine visitation: at times it is given for the rousing out of torpor, at times as a solace for struggle, at times as a grace of retribution.⁵⁰

But he warns:

If you feel the grace of compunction and a torrent of tears within you, don't imagine at once that you are reconciled with God.

This can be a way of blinding oneself, a source of self-deception. For no pious feeling has any worth towards salvation unless it proceeds from the love of Christ. Then comes the marvellous passage comparing types of emotion:

Often in tragedies and other compositions of poets, (as) in the songs of minstrels, a man is described who is prudent, comely, brave, lovable, and gracious in every way. The poet tells of the oppressions or injuries cruelly inflicted on him, as in some of the fictions that performers relate of Arthur and Gawain and Tristan, at hearing which the audience's hearts are excited to compassion, and moved even to tears. You, then, who are moved to feel pity when a romance is performed, if you hear something devout about God read out to you, which compels you to weep, do you think that because of this weeping you have any conception of what it is to

⁴⁹ *Ep.* 77 (PL 207.237-9).

⁵⁰ *Liber de confessione sacramentali*, PL 207.1087B.

love God? You who feel compassion for God, you feel it for Arthur too. Both kinds of tears are wasteful, if you don't love God ...⁵¹

This passage has been recognized by scholars as an important early testimony for the spell that could be cast by Arthurian romances. But even more important, in my view, is the way that a poet here gazes introspectively at the workings of his own affective states, and critically asks himself about their value. In this especially Peter seems to me to foreshadow the Petrarch of the *Secretum*. If I may extend Bezzola's suggestive hint of a parallel: Peter of Blois and Petrarch have a further affinity in the equivocal ways that they flaunt their many *personae*: the ardent spirit, longing for the heights of the spiritual life; the man of letters longing for fame and immortality; the passionate man longing for sensual fulfilment; the worldly man longing for high worldly recognition. With Peter as with Petrarch we can say, the ultimate personality is all — and none — of these. It is the author who engages these *personae* — and others besides — in what a friend of mine, speaking of Petrarch, has called the author's *ballo in maschera*.

So, too, Peter's debate-poems contain dialogues between his 'selves'.

⁵¹ *ibid.* 1088B-1089A. If one compares the Latin of this passage with the somewhat similar passage in Aelred of Rievaulx's *De speculo caritatis* (composed 1141/2, CC, Cont. Med. 1.90), it will, I think, be apparent that, while Peter was stimulated by Aelred's thoughts here, he developed them in a direction very much his own. This point is worth stressing inasmuch as Southern (*Medieval Humanism*, p. 107) has recently repeated the charge of Peter's 'terrible plagiarism'. When applied to twelfth-century writings, this expression is at best an imprecise umbrella-term, at worst an anachronism. To discuss the nature and import of the various types of borrowing current in the twelfth century would exceed the compass of this essay. But the pitfalls of an over-hasty reading are well illustrated by Philippe Delhaye's allegation of 'Un témoignage frauduleux de Pierre de Blois sur la pédagogie du XII^e siècle', *Recherches de théologie ancienne et médiévale* 14 (1947) 329-31, which Southern (*Medieval Humanism*, p. 108) adduces as evidence for Peter's 'revolting' plagiaristic habits.

Delhaye, having found extensive verbal parallels between Peter's *Ep.* 101 and 'une série de questions oiseuses énumérées par Jean de Salisbury', concluded that Peter in his letter had changed the 'liste de questions oiseuses en un programme scolaire', changing John's 'déclamation en faveur du scepticisme en une constatation de fait' (p. 330). A look at the function and context of the list in Peter's letter, however, shows it is neither a fraudulent testimony nor a (recommended) scholarly programme, nor yet the recording of fact: on the contrary, it is an elaborate piece of irony. Peter uses John's list of vexed questions to make the point that (citing Seneca) 'Odibilis nihil est subtilitate, ubi est sola subtilitas' (PL 207.312C). Peter's jest lies in pretending that John's *dubitabilia sapienti — de eodem et diverso, de dividuo et individuo, de primis rerum initiis* and the rest — are taught to some youngsters before they have done their elementary schooling. For Delhaye to take this as a serious claim (and then reproach Peter for untruthfulness) is rather as if we were to take 'Tell me, where all past years are/Or who cleft the Divels foot' as evidence for the problems discussed in Elizabethan primary schools. To read Peter's letter attentively and completely is to see how, by delightful use of *collage*, he achieves a virtuoso piece that is unmistakably his own.

He was familiar with several traditional types of poetic debate. Thus he takes part in a humorous 'flyting' against Robert of Beaufeu, defending the superiority of wine against beer: he opens with a sally of seventeen hexameters, all ending dextrously on the same rhyme, and then replies to Robert's praise of beer with an invective in classical couplets.⁵² Another of the poems we know to be his goes under the name of 'the song of the conflict of body and spirit': while it is not formally a debate-poem, its affinities with the genre are evident;⁵³ its dialectic is simultaneously witty and passionate. In another lyric, an elegant trifle that is probably his, Peter debates with himself on what type of woman to choose for love.⁵⁴ But I should like to examine closely Peter's two most outstanding poetic debates. In the first, the debate of Love against Reason, the dialectic remains internal; in the other, where a worldly and an unworldly notion of the good life are pitted against each other, we have a series of dramatic interchanges.

In the first song, *Vacillantis trutine*, the poet claims to be suffering within himself the conflict of Reason (Ratio) and Love (Amor, and his mother Venus-Dione). It is Peter's individual re-creation of the ancient motif of Hercules at the crossroads, being tempted by Virtus and Voluptas. Peter will have known the motif, where

[Pleasure] and Virtue did contend,
Which should have Hercules to friend —

chiefly by way of Cicero.⁵⁵

1a	Vacillantis trutine libramine mens suspensa fluctuat et estuat,	Poised on a quivering balance, the mind, suspended, fluctuates and tosses,
----	--	---

⁵² Ed. E. Braunholtz, 'Die Streitgedichte Peters von Blois und Roberts von Beaufeu über den Wert des Weines und des Bieres', *Zeitschrift für romanische Philologie* 47 (1927) 30-38.

⁵³ *Cantilena de lucta carnis et spiritus*, PL 207.1127-30; a new text is given in Appendix C below. The kinship with poetic debates was first pointed out by F. J. E. Raby, *Secular Latin Poetry* 2.303.

⁵⁴ *Quam velim virginum* (see Appendix A below, no. 34).

⁵⁵ *De officiis* 1.32.118. John of Salisbury possessed a copy of the *De officiis*, which he bequeathed to the cathedral-school library at Chartres (see R. W. Hunt, 'The Deposit of Latin Classics in the Twelfth-Century Renaissance' in *Classical Influences on European Culture A.D. 500-1500*, ed. R. R. Bolgar (Cambridge, 1971), p. 52). The theme of 'Hercules at the Cross-roads' has been admirably traced and analysed by Erwin Panofsky in his monograph *Hercules am Scheidewege* (Leipzig-Berlin, 1930), though without reference to *Vacillantis trutine*, or to Ben Jonson's masque *Pleasure Reconciled to Virtue*, from which the couplet cited above is taken (ll. 230-1, ed. S. Orgel, *Ben Jonson: The Complete Masques* (New Haven-London, 1969, p. 272)).

- in tumultus anxios
dum se vertit
et bipertit
motus in contrarios.
O, O, O, O languéo —
causam languoris video,
nec caveo:
videns et prudens pereó!
- 1b Me vacare studio
vult Ratio,
sed <dum> Amor alteram
vult operam,
in diversa rapior:
Ratione
cum Dione
dimicante crucior.
O, O, O, O languéo ...
- 2a Sicut in arbore
frons tremula,
navicula
levis in equore
dum caret anchore
subsidio,
contrario
flatu concussa fluitat —
sic agitat,
sic turbine sollicitat
me dubio
hinc Amor, inde Ratio.
O, O, O, O languéo ...
- 2b Sub libra pondero
quid melius,
et dubius
mecum delibero.
Nunc menti refero
delicias
venerias,
que mea michi Florula
det oscula,
qui risus, que labellula,
que facies,
frons, naris, que cesaries!
O, O, O, O languéo ...
- 3a His invitat
et irritat
Amor me blandiciis,
- into anxious tumults
turning,
and dividing
into warring impulses.
Oh, oh, oh, oh how I languish —
I see the cause of it,
and I don't care:
seeing and knowing what I do, I'm done for!
- Reason wants me
to keep time for studying,
but when Love wants another
occupation,
I feel torn:
what with Reason fighting
against Venus,
I'm the sufferer.
Oh, oh, oh, oh how I languish ...
- As on a tree
a branch grows tremulous,
as a skiff,
light on the ocean,
lacking an anchor's
steadying help,
battered by warring
winds, bobs up and down —
so I am buffeted,
harassed by the whirlwind
of uncertainty:
here by Love, there Reason.
Oh, oh, oh, oh how I languish ...
- On the scale I weigh up
which is better:
doubtfully
I debate within.
Now I call to mind
the delights
of Venus' kind,
what kisses my little Flora
gives me,
how she laughs, what tender lips
she has, what looks,
brow, nose — what hair!
Oh, oh, oh, oh how I languish ...
- Love beckons
and provokes me
with these lures,

	sed aliis Ratio sollicitat et excitat me studiis. O, O, O, O <i>languéo</i> ...	but with other exertions Reason rouses and spurs me. Oh, oh, oh, oh how I languish ...
3b	Nam solari me solari cogitat exilio. Sed, Ratio, procul abi! vinceris sub Veneris imperio! O, O, O, O <i>languéo</i> ... ⁵⁶	Reason thinks to comfort me with scholarly banishment! No, Reason, go far away: you cannot win under Venus' sovereign power! Oh, oh, oh, oh how I languish ...

In this song, each of the movements of conflict is sensitively portrayed in the movement of verse and melody. The quivering of the balance, the tossing and turning of the mind, the shivering branch and the anchorless skiff, the whirlwind, the jabs and thrusts, the sensual day-dream, followed by more jabs and thrusts — all these are mirrored in the texture of the language, its rhythms and rhymes, as in the tremulous melismas of the music. And yet — as we soon discover — the inner conflict here is only a pretence, the result a foregone conclusion. This is what the refrain, after every half-strophe of the sequence, reminds us of: where the 'I' of the poem claims to be torn and uncertain, the refrain tells us, over and over, that the decision for Love is already made, that it was inevitable — in short, that the debater is deceiving himself. He is a Hercules who makes the *wrong* choice, an anti-Hercules. It tells us this in words that deliberately echo the opening scene in one of Terence's plays, *The Eunuch*. There the young lover,

⁵⁶ *Vacillantis trutine* survives in three MSS.: A: London, British Library Arundel 384, s. XIV², fol. 234 (the only complete text); B: the Codex Buranus (Munich Clm 4660), written c. 1220-30, fol. 80 (with neums); and C: Cambridge UL Ff.I.17, s. XIII, fol. 1r-v (with music). My text differs from that of O. Schumann, *Carmina Burana* no. 108, in the following readings: *Refr.* 1, where I follow C (because the fourfold 'O' is indicated by the melody); *Refr.* 4 *videns* (*sic* AC, *vivens* B); 2b 12 *que* (*sic* B, aut AC); and in minor points of punctuation. For a transcription of the melody, see W. Lipphardt, 'Einige unbekannte Weisen zu den Carmina Burana', *Festschrift Heinrich Beseler zum sechzigsten Geburtstag* (Leipzig, 1962), pp. 118-21 (unfortunately with confused verse-order on pp. 120-1).

This lyric, and the two discussed in detail below, all contain passages that present syntactic and interpretative problems. To avoid lengthy annotation, an English version, proceeding as far as possible line by line, has been set facing these three poems, in order to indicate succinctly how I would wish to construe the more problematic phrases, how I see them in context, and what seem the most probable interpretations.

Phaedria, is reminded by his valet of how deeply and irrationally he is enslaved to his mistress, Thais: 'If you tried to make love's uncertainties certain through reason, you would achieve no more than a programme for reasoned madness.' And Phaedria replies:

It wearies me, and yet I burn with love. Knowing and realizing, alive and seeing what I do, I'm done for — I don't know what to do.⁵⁷

A minute later in the play, he has made his peace with his mistress! Terence was widely enough studied by twelfth-century clerks, and by the higher nobility, who shared the clerical education, that Peter could count on many of his audience, hearing the refrain, to notice the echo and draw the implicit parallel.

So the movement of the song shows its own oscillating scale: each half-strophe of inner conflict balanced by the refrain where Love's victory is shown, a victory both inevitable and self-willed. In the second pair, we perceive the balance tilting: where 2a shows us quivering helplessness and tempest-tossed anxiety, in 2b the poet, still claiming to be deliberating, in fact dwells more and more on the voluptuousness of his beloved. One might expect this to be countered by some vindication of Reason's delights, yet in the following half-strophe, where language and rhythm suggest a miniature joust, these are merely referred to, vaguely and distantly, as 'other exertions'. In the last half-strophe, the balance comes firmly down: Reason's realm is a state of banishment: the scholar, *qua scholar*, is an exile from that real world over which Venus reigns.

The debate was a piece of exquisite make-believe, conducted with a Mozartian lightness of touch. In the poet's delicate marriage of rhythm and rhyme to meaning, we can hear both the twists and turns of someone caught in a dilemma and the dancing joy of someone who knows the dilemma isn't real.

As a pendant to *Vacillantis trutine*, I should like to pause briefly at one of Peter's love-lyrics; it is not a debate-poem, but it can tell us a little more about his view of love in this early period of his composition — if indeed he is candid in his letters when suggesting that the profane songs were the frivolities of his youth: certainly the dazzling virtuosity of

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*incerta haec si tu postules
ratione certa facere, nihilo plus agas
quam si des operam ut cum ratione insanias. ...
et taedet et amore ardeo, et prudens sciens,
vivos vidensque pereo, nec quid agam scio. (Eun. 61-63, 72-73)*

Vacillantis trutine hardly suggests a beginner's work. It is an unpublished lyric, *Blandus aure spiritus*, that occurs in a Cambridge manuscript (Corpus Christi 228), in the midst of a group of songs,⁵⁸ the rest of which are known from other manuscripts and can be attributed with high probability to Peter. As this one also expresses some of Peter's characteristic notions, I should like to claim it for him too.

- | | | |
|---|---|--|
| 1 | <p>landus aure spiritus
 et veris temperies
 in colores varios
 ac diversas species
 humum pingit
 et distingit,
 cum Veneris imperio
 iam me totum subitio:
 qui decedit in mentem
 amor agit furentem.</p> | <p>The gentle spirit of the breeze
 and the warmth of spring
 lend varied colours
 and diverse forms,
 painting the earth
 and adorning it,
 while to Venus' sovereign power
 I surrender myself wholly:
 love, that sinks into the mind,
 drives on the lover in his madness.</p> |
| 2 | <p>Flante rediv Zephīro
 suus herbis spiritus,
 quibus fuit Aquilo
 decoris interi<t>us:
 iam virgūtum
 caput cultum
 erex<er>it ad supēra —
 Phebus demulcet ethera;
 blandimentum decoris
 causas creat amoris.</p> | <p>As Zephyr blows,
 his spirit returns to the grass,
 for which the North wind was
 the death of beauty;
 now the thicket
 will have raised
 its graceful head towards heaven —
 Phoebus makes the air serene;
 the allurement of beauty
 creates the causes of love.</p> |
| 3 | <p>Vere suo iuvenis
 ad etatis proprium
 delectetur, expleat
 quicquid amatorium!
 Lata late
 libertate,
 is usus sui temporis
 in voluptates corporis
 condeclinet et totus
 sit Veneri devotus!</p> | <p>In their own spring, let the young
 have the delight belonging
 to their age, fulfilling
 whatever is amorous!
 With freedom carried
 far and wide,
 let them join the use of tense
 and of declension in the body's
 rapture, becoming totally
 Venus's devotees!</p> |
| 4 | <p>Homo noster carneus
 elementa sequitur
 et calore temporis
 ad profundum tangitur.</p> | <p>Our physical self
 follows the elements,
 and in the season's warmth
 it is touched to the depths.</p> |

⁵⁸ See below, Appendix B.

Ignis tectus	A hidden fire
urit pectus,	burns the breast
ut veris in temporibus	as in times of spring
suis Cupido legibus	Cupid with his laws
exagitat iuventam	stirs up the young,
amoribus intentam. ⁵⁹	bent on their love-affairs.

This is a slighter lyric than *Vacillantis trutine*, and may at first glance seem little more than words trippingly on the tongue, to grace some attractive melody which today is lost. The first stanza suggests a nature opening such as hundreds of medieval love-songs share: the lover's condition depicted as reflection and intensification, joyful or desperate or both, of the beauty of the outer world of spring. What is unusual is that here this does not lead into an evocation of the feelings of the poet-lover, but into an assessment of falling-in-love as such. There is no 'I' anywhere in the later strophes. The second resumes the theme of the renewal of nature, but concludes with a deceptively simple generalization:

blandimentum decoris
causas creat amoris.

The allurements of beauty creates the causes of love — that is, of love among mankind as well as in nature. Is human love, then, caused by laws as natural and inescapable as those of sun and wind? Are the power of Venus in the first strophe and the laws of Cupid in the last purely pretty circumlocutions for the promptings of amorous desire, or are they elemental forces too? Do, or should, the moral complications of human loving resolve themselves in a beautiful naturalism? Peter's answer, in the third and fourth stanzas, seems to be, this depends on the time of life in question. As one condition is inevitable — and thus right — for spring, and another for winter, so one condition is inevitable and right for youth and one for age. The law of youth is — freedom. So in effect Peter is urging his young audience to leave the problems of the spirit to their own winter season; he implies that these problems have no absolute claim, but are relative to another stage of life; they are

⁵⁹ MS. fol. 129. 2, 5-6 *vilgutum*, *tutum* MS. (emendation suggested by Bernhard Bischoff; it should be noted, however, that Du Cange, s.v. *virgultum*, gives a spelling *virgutum*). 3, 9 *condeclinare*: has a late ancient grammatical meaning, 'to decline in the same way' (*TLL*, s.v.) as well as the medieval meaning, 'to incline, consent' (Latham, s.v.) — just as *tempus* means both 'tense' (in grammar) and 'season'. 4, 3 *temperies* MS. 4, 7 *us*. MS. 4, 10 *amatoribus* MS.

another, colder 'element'; the warm element of youth does not need their justification. Youth is a law unto itself, a natural law.

What the bland and graceful verses are suggesting, in effect, is a heady and subversive message: that the values of flesh and spirit are relative, that each is 'natural' in its context. It is a conception that many of Peter's contemporaries — and Peter himself, in other moods and other ages of life — saw as amoral and dangerous. This fact emerges in the lyric *Quod amicus suggerit*, which is perhaps Peter's most fascinating poem, and which brings us again into the sphere of poetic debate. This piece is likewise unpublished, at least in the form and version presented here. The nineteenth-century editors of Peter conflated these strophes with those of four other songs,⁶⁰ nor did they notice that in themselves they presented a farrago of self-contradictions. Many years ago, in an attempt at interpreting the strophes, I tried to distribute them between conflicting speakers. More recently, I was delighted to find that my tentative distribution of speeches was fully confirmed by a fine early manuscript, where the speakers and their conflict are explicitly marked throughout. Only the melody, unfortunately, remains lost.

*Dialogus inter dehortantem
a curia et curialem*

*Dialogue between a warner against
the court and a courtier*

- | | |
|---|---|
| <p>(1) <i>Dehortans:</i>
 Quod amicus suggerit
 fer cum paciencia:
 desere palacia,
 nam curia
 curis, immo crucibus
 et mortibus
 semper est obnoxia.</p> | <p><i>Warner:</i>
 What your friend is suggesting,
 hear it out patiently:
 say goodbye to the palaces,
 for the court
 with its cares, or rather crosses
 and fatalities,
 always deserves contempt.</p> |
| <p>(2) <i>Figura mundi preterit;</i>
 homo cum interierit
 non sumet secum omnia:
 dies hunc peremptoria
 comprehendet,
 nec descendet
 eius cum eo gloria.</p> | <p>The semblance of the world goes by;
 man, when he is gone,
 won't take it all with him:
 the final, mortal day
 will seize him,
 and his glory won't
 follow him down.</p> |
| <p>(3) <i>Curialis:</i>
 Quicquid dicas, hodie
 curie</p> | <p><i>Courtier:</i>
 Whatever you may say, today
 the court's</p> |

⁶⁰ See above, n. 27.

iuvant me delicie,
 quarum prebent copie
 quod in votis sum perplexus;
 quo me vertam nescio
 pre gaudio,
 dum ad usum glorie
 michi cedit omnis sexus,
 etas et condicio —
 totus feror in amplexus
 voluptatis obvie.

- (4) Tenent nos in curia
 cultus delicacior,
 cibus exquisicior
 et laucior,
 et timeor, nec timeo,
 et augeo
 parentum patrimonia,
 et intono magnalia;
 me divitum consilia,
 me tenent accidentia
 dignitatum,
 quas magnatum
 largitur amicitia.

- (5) *Dehortans:*
 Nexus abrumpe curie,
 deo te totum immola:
 tempus indulget venie
 ficulnee
 parabola;
 Rachel abscondat ydola
 sub fimo penitencie:
 sumptus perdis et operas
 si differas
 oblatam tibi gratiam,
 vincis, regnas <et> imperas
 si tangas Christi fimbriam
 et ydriam
 Samaritane deseras.

- (6) *Curialis:*
 Stulti sunt qui miseri
 volunt sponte fieri:
 non est inapaciens
 Christi clemencia,
 sera sufficiens
 est penitencia!
 Tu verba garriens,
 Davi, non Edipi

delights give me my pleasure —
 their abundance makes me feel
 all caught up in my attachments;
 I don't know where to turn
 for sheer joy,
 since for the sake of glory
 men and women defer to me,
 every age and condition —
 I'm wholly drawn into the embraces
 of an imminent bliss.

What binds us to the court
 is more delicate clothing,
 food more exquisite
 and more refined,
 and there I'm feared, and not afraid,
 and can increase
 the estate my parents left me,
 and thunder out great words;
 I'm tied there by the counsels
 of the rich, the chances
 of dignities,
 which the friendship
 of magnates can bestow.

Warner:
 Break off those courtly ties,
 give yourself up to God:
 the parable of the fig-tree shows
 there is a time
 for pardon;
 let Rachel hide the idols
 in the dung of penitence:
 you waste your labours and expense
 if you delay
 the grace that's offered you,
 you conquer, reign and rule
 if you touch Christ's hem
 and put down
 the Samaritan woman's water-jar.

Courtier:
 Only fools make themselves unhappy
 of their own free will.
 There's no impatience
 in Christ's clemency:
 old age is time enough
 for penitence!
 You with your chatter
 foretell a terrible

presagis pessima
 michi novissima —
 sed sic intercepti
 non potest anima,
 nec laus est ultima
 placere principi.

- (7) *Dehortans:*
 Quid te iuvat vivere
 si vis vitam perdere?
 In anime
 dispendio
 nulla est estimacio:
 si vis ut te perhennibus
 absorbeant suppliciis
 mors et inferna palus,
 confidas in principibus
 et in eorum filiis,
 in quibus non est salus.

- (8) *Curialis:*
 Grata est in senio
 religio,
 iuveni non congruit;
 carnis desiderio
 consencio,
 nullus enim odio
 carnem suam habuit.
 Neminem ab inferis
 revertentem vidimus —
 certa non relinquimus
 ob dubia;
 sompniator animus
 respuens presencia
 gaudeat inanibus —
 quibus si credideris,
 expectare poteris
 Arturum cum Britonibus!

- (9) *Dehortans:*
 Divicie
 tam anxie
 quas adquiris cum tormento,
 ut sompnum
 surgencium
 evanescent in momento:
 sine fine
 tanquam spine
 pungunt, angunt, lacerant —
 scis quid tibi conferant?

end for me —
 as for Davus, not Oedipus —
 but a soul cannot
 be snatched off in this way,
 nor is it the least of honours
 to please a prince.

Warner:
 What use to you is living
 if you mean to lose your life?
 In the expense
 of spirit
 there's no dignity.
 If you want to be swallowed up
 in lasting torment
 by death and the marsh of hell,
 then put your trust in princes
 and in their sons —
 they won't bring you salvation!

Courtier:
 It's nice in old age,
 religion,
 it doesn't suit the young.
 To the body's craving
 I consent:
 no one has ever hated
 his own flesh.
 We've never seen anyone
 coming back from the world below —
 we shan't abandon certainties
 for dubious tales;
 let the spirit sunk in dreams
 reject the life that's here
 and enjoy empty hopes —
 if you can believe in those,
 you might as well expect the return
 of Arthur with his British legions!

Warner:
 The riches
 you so anxiously
 acquire, with such anguish,
 will vanish
 as a dream does,
 instantly, when one awakes.
 Endlessly,
 like thorns,
 they sting, hurt, lacerate:
 do you know what they'll confer on you? —

- quod servus es servorum
dum in his te crucias
ut servias
clientum libidinibus
et ventribus
equorum.
- (10) *Curialis:*
Cur arguor
si perfruor
bonis que manus domini
dedit ad usum homini?
Quociens voluero
miser esse potero:
si michi <solī> vixero,
toti sum mundo perditus —
benignus dei spiritus
non dedit ista celitus
ut in dolo nos eludat
et per ista nos detrudat
in puteum interitus!
- (11) *Dehortans:*
O vanitatum vanitas,
que est ista securitas
inter hastas hostium
frendencium?
Astat mors in ianuīs
et diffluit
in omne desiderium.
Sed irruet calamitas
repente super impium,
voluptatumque brevium
mutabitur iocunditas
in eternum supplicium.⁶¹
- to be the slave of slaves,
while you torment yourself with them
to minister
to the lusts of your clients
and to the gorging
of your peers.
- Courtier:*
Why should I be accused
if I enjoy
the good things that the Lord's hand
has given mankind for use?
There's plenty of time later
when I can be unhappy:
if I live for myself alone,
I'm lost to all the world around me —
God's gracious spirit
has not sent these gifts from heaven
to deceive us by his cunning
and through his gifts to thrust us down
into the pit of perdition.
- Warner:*
Oh, vanity of vanities,
is this your security
amid the spears of gnashing
enemies?
Death is standing in the doorway,
and you melt
to every craving!
But disaster will attack
the impious, suddenly,
and his brief raptures'
joy will be transformed
into eternal pain.

⁶¹ MS. Oxford Bodley Add. A. 44, s. XIII in., fol. 61r-v. I have not tried to establish how many MSS. of the *Epistles* (on which see R. W. Southern, *Medieval Humanism*, pp. 129-32), containing *Ep.* 57, also include a text of this poem. Among those I have seen in Oxford, Cambridge and London, several omit it, and none contains it in dialogue form. From one of these MSS. of the *Epistles* — Oxford Bodley Lat. misc. d. 6, fols. 60vb-61rb — I derive two small corrections to the otherwise excellent text in Add. A. 44: the insertion of *et* in 5,11 and of *solī* in 10,7.

Textual parallels. — Sts. 1-2 (and 11,5 ff.): cf. *Ep.* 14 (PL 207.51AB): 'Vita nos fugit, mors instat ... videtis, quia curia plena est laqueis mortis: mors autem inevitabilis et incerta, iudexque terribilis nos expectat.' 2,1: cf. 1 Cor. 7: 31. 2,2-7: cf. Ps. 48: 18. 4,1-4: cf. *ibid.* 47CD: 'Ad curiales redeo ... Apponitur clerico aut militi curiali panis non elaboratus, non fermentatus, confectus ex cerevisiae faecibus: panis plumbeus, loliatus et crudus; vinum vero aut acore aut mucore corruptum, turbidum, unctuosum, rancidum, piceatum et vapidum ...' 5,3-5: cf. Lk. 21: 29-31 (Mt. 24: 32-33; also Lk. 13: 6 ff.). 5,6-7: cf. Gen. 31: 19, 34, and *Glossa ordinaria* ad loc. (PL 113.158BC): 'Potest per Laban mundus exprimi: qui cum furore Jacob sequitur, quia electos, qui

Peter's contemporaries at the English court, John of Salisbury and Walter Map, lay bare the 'frivolities of courtiers', the *nugae curialium*, in their prose. Yet their writings contain no attack as passionate and unqualified as that of the *Dehortans* in this dialogue, nor any trace of a cool, assured defence of worldliness such as is put in this courtier's mouth. The warner clearly reflects the mood of Peter's first letter to the chaplains of Henry II's court; but the courtier goes far beyond anything Peter says in his own right in the second letter, the letter of retraction. He is a fictive *persona* of one who lives for the moment. The insecurity of employment for intellectuals in the twelfth century, of which we hear so much in Walter of Châtillon's serious poems, implies for this courtier-cleric the need to kiss the joy as it flies, to take every chance of advancement and favour, to give himself at least the illusion of security — 'there I'm feared, and not afraid'. Beside this, the warner's opening reflections on mortality seem lifeless. They can be found in many a medieval homily; thus he remains something of a stock figure, while his opponent is characterized vivaciously. However selfish his preoccupation with success, the naiveness of his delight in 'arriving' makes him almost endearing. He has developed a dandy's habits, and a keen sense of irony to protect his pleasures.

The warner argues with the help of biblical allusions and allegories: Christ's parable of the fig-tree (st. 5) was a Gospel warning of the nearness of the end of time; Rachel's gesture of hiding her father's idols had been allegorized as the Church's burying of idolatry in penitence. So, too, the gesture of the Samaritan woman, setting down her water-jar in order to proclaim Christ to her people, had been allegorized as her set-

sunt membra Christi, opprimere conatur. Filiam mundi vel diaboli Jacob abstulit, cum sibi Christum Ecclesiam ex gentibus coniunxit ... Rachel idola sedendo operit, quia Ecclesia Christum sequens vitium terrenae concupiscentiae per humilitatem poenitentiae cooperuit.' 5,12: cf. Mt. 9: 20-22, 14: 36-37. 5,13-14: cf. Jn. 4: 28, and *Glossa ordinaria* ad loc. (PL 114.374CD): 'Audito ego sum, iam habens in intellectu mulier Christum caput viri, reliquit hydriam, id est cupiditatem, et cucurrit evangelizare. Hic discant evangelizaturi prius deponere curam, et onus huius saeculi.' Peter himself, in *Ep.* 12 (PL 207.43CD), describes his renunciation of court life in these terms: 'cupiditatis hydriam cum Samaritana relinquere et abiurare decrevi.' 6,8: cf. Terence, *Andria* 194. 6,13-14: cf. Horace, *Ep.* 1. 17. 35. 7,9-11: cf. Ps. 145: 2-3. 8,6-7: cf. Paul, Eph. 5: 29. 8,16-17: cf. Joseph of Exeter, *Ilias* 3.472-3: 'Sic Britonum ridenda fides et credulus error/Arturum expectat expectabitque perenne.' Peter himself also uses the expression mockingly in *Ep.* 34 (PL 207.112A): after a patron had failed to keep his munificent promises, 'Adhuc benignioris eventus vota concipio, et fortasse venturum cum Britonibus praestolor Arturum, et Messiam cum Iudaeis exspecto'; similarly, but more playfully, in a letter to John of Salisbury (*Ep.* 51, 154C). 9,16: I construe *aequorum*, contrasting with *clientum*; but *equorum* is also possible: cf. *Ep.* 12 (44A): 'Nunquid infelix debui venari et ieiunare ... ut pascerem multitudinem iumentorum et hominum? nunquid gloria hominis est, et homines et iumenta pascere, et a verbo Dei et a cibo animae ieiunare?' 10,13: cf. Ps. 54: 24. 11,1: cf. Eccles. 1: 2; 12: 8.

ting down of the cares and burdens of worldly life, and (Peter himself says in a letter) her abandoning of worldly greed.

Where the friend warns against the delaying of penance, the courtier answers with amused insolence: 'Christ's in no hurry'. He counters the biblical allusions by pagan ones (st. 6). In Terence's play *Andria*, the wily slave Davus had pretended not to understand his master's warning menaces: 'I'm Davus, not Oedipus', he says mockingly, implying that the threats — which indeed turn out to be futile — are as meaningless to him as the riddle of the Sphinx. The courtier's ostensible point here in the song is that his friend's dire forewarnings have been only too plain (as they in truth were to Davus) — they contain no enigma that needs an Oedipus to comprehend. Yet I think that Peter, through his succinct Terentian allusion, also meant his audience to recall the irony with which Davus outfaced his blustering master Simo. The courtier ends the stanza with the Horatian maxim defending the service of princes — the maxim which, as we saw, Peter himself cited seriously in his second letter to his clerical-courtly friends. All that the warner can counter with now is the threat of damnation in the other world. This leads to the most astonishing stanza in the poem, where the courtier replies (st. 8):

Grata est in senio
religio,
iuveni non congruit ...

The 'ages of life' argument, advocated in many of Peter's songs, and already hinted at by the courtier in st. 6, here motivates a radical scepticism about the whole notion of an after-life. Old men can believe it, and repent, if it makes them feel good — but don't we, the young, really know that it's all superstition? Saint Paul's phrase that a man should love his wife as if she were his own body, for no one has ever hated his own flesh, is twisted sardonically into a defence of sensual indulgence. The Celtic belief in the return of King Arthur, ridiculed by Joseph of Exeter in his Trojan epic, here becomes the courtier's equivalent for the absurdity of believing in a life to come.

With the ninth and tenth stanzas we see a subtle shift of perspective in the argument: the warner tries to find a dissuasion from court life on purely naturalistic grounds — it doesn't really bring you happiness on earth — while the courtier attempts a theological self-defence: a God who is good could not have meant the good things of the world to remain unused, could not have devised them simply as snares for man. (It is a refined equivalent to the argument used by Chaucer's Wife of Bath). Then, as in Peter's letter of retraction, the courtier makes the

suggestion that he is the one who, by virtue of his office, serves the world — perhaps (he may be implying) it is those concerned only with their own salvation who are the selfish ones.

The warner, in his final answer, can do little more than repeat the earlier forebodings of punishment in another life, though now with a different modulation. In his last defence the courtier had at least admitted the existence of a divine purpose in the world — so now the friend asks, if you think about death, and how near it may be, can you really feel sure that *your* interpretation of the divine plan is right? What is this security of yours — *que est ista securitas?*

Has the warner, who is given the last word, really answered and persuaded the courtier? We might ask the same of Petrarch's *Secretum*: by the end of the debate, has Augustinus really answered and persuaded Franciscus? Or have the two selves, in Peter and in Petrarch, simply talked at cross purposes? To this I think there is no easy answer, no 'security'. In both debates, the absolutist claims of contrasting outlooks are made relative. At the same time, we must distinguish between the man experiencing an inner conflict and the artist directing the *ballo in maschera* of his artistically projected selves. What remains enigmatic is how far these two processes coincide.

In the ranges of lyrical debate prior to Peter of Blois, the arguments were set in a predictable frame, and were thus themselves largely predictable. This is true of the medieval Latin *altercationes* of spring and winter, water and wine, body and spirit — or those of Ganymede and Helen, or Phyllis and Flora⁶² — but it is also true, for instance, of the Provençal and French lyrical debates, the *tensos* and *jeux-partis*.⁶³ (The French ones, we have reason to believe, may have begun in Eleanor of Aquitaine's court circle: the first recorded is one in which a son of hers, Duke Geoffrey, takes part).⁶⁴ In the majority of the Latin, Provençal and French debate-lyrics we encounter a perfect symmetry of speeches: a strophe given to the one contender balanced by a strophe given to his opponent. I would call these the contrapuntal poetic debates. In *Quod*

⁶² Cf. H. Walther, *Das Streitgedicht in der lateinischen Literatur des Mittelalters* (Munich, 1920), which remains the fullest assembly and discussion of the sources (a new edition, with supplementary materials and bibliography by P. G. Schmidt, is shortly to be published by Georg Olms); also F. J. E. Raby, *Secular Latin Poetry*, 2.282-308, and E. Faral, *Recherches sur les sources latines des contes et romans courtois du Moyen Age* (Paris, 1913), pp. 191-303.

⁶³ For the Provençal *tensos* and related 'genres dialogués', see esp. A. Jeanroy, *La poésie lyrique des troubadours* 2 (Paris, 1934), pp. 247-81; the OF *jeux-partis* are conveniently collected in *Recueil général des jeux-partis français* (ed. A. Långfors, A. Jeanroy and L. Brandin, 2 vols., Société des anciens textes français; Paris, 1926).

⁶⁴ Cf. R. Lejeune, 'Rôle littéraire', 44.

amicus suggerit we find a greater formal freedom, and this allows and mirrors a greater freedom in the movement of argument. Instead of the exact formal correspondence of pairs of half-strophes in a sequence such as *Vacillantibus trutinibus*, or the correspondence of formally identical strophes in a *conductus* such as *Blandus aure spiritus*, we have the form of the *descort*, where each strophe has its own rhythmic structure, corresponding to no other in the song. And with these more flexible architectonics comes a less schematic mode of debating: it is no longer a question of two set positions neatly contrasted, but rather of two attitudes to life that in a host of ways reveal themselves to be incompatible. When themes recur in the course of the dialectic, it is no longer in a one-one altercation: we might say, we have moved from a contrapuntal debate-structure towards a symphonic one.

It is perhaps no historical accident that, around the year 1200, two decades or so after Peter's *Quod amicus suggerit*,⁶⁵ we can observe masterpieces of poetic debate in no fewer than four European vernaculars: in Anglo-Norman, the *Donnei des amants* (The Lovers' Courtship),⁶⁶ in Spanish, the *Razón de amor*,⁶⁷ in Italian, the *Ritmo cassinese*,⁶⁸ and in English, *The Owl and the Nightingale*.⁶⁹ These vernacular debates are not in lyric form: they are poetic dialogues for speakers, not singers. Yet they have the same formal flexibility in the apportioning of dialogue, and the same far-reaching freedom of movement in the course of their arguments, as Peter's lyric, and this sets them apart from the world of *tenso*s and *jeux-partis*. In the Anglo-Norman and the Spanish poems the argument is a dialogue between lover and beloved. Both poets have given the formal debate schema new dimensions, new symbolic wealth, by interweaving subsidiary material — in the one case, brief allusive *lais*, in the other, the sub-plot of a second debate, — so

⁶⁵ While there is no external evidence for dating *Quod amicus suggerit*, the lines 'confidas in principibus / et in eorum filiis, / in quibus non est salus' would suggest a time between 1171 and 1183 — i.e. between the first revolts of Henry II's sons against their father and the death of Henry the 'young king'.

⁶⁶ ed. Gaston Paris, *Romania* 25 (1896) 497-541.

⁶⁷ ed. R. Menéndez Pidal, *Revue hispanique* 13 (1905) 602-18. The unity of the composition, and the relations between the love-encounter and the wine-and-water debate, have been shown in detail by Leo Spitzer, 'Razón de Amor', in his *Romanische Literaturstudien 1936-1956* (Tübingen, 1959), pp. 664-82.

⁶⁸ ed. G. Contini, *Poeti del Duecento*, 2 vols. (Milan-Naples, 1960), 1. 7-13. Cf. L. Spitzer, 'The Text and the Artistic Value of the *Ritmo cassinese*', *Romanische Literaturstudien*, pp. 425-63.

⁶⁹ ed. E. G. Stanley, *The Owl and the Nightingale* (London-Edinburgh, 1960). On the relation of the poem to the medieval types of poetic debate, see especially H. Hässler, 'The Owl and the Nightingale' und die literarischen Bestrebungen des 12. und 13. Jahrhunderts (Diss. Frankfurt a.M., 1942).

that the poetic art lies in the interaction of themes. In the Italian *Ritmo* and the English *Owl and Nightingale*, what is fascinating is how the argument, as in Peter's lyric, comprehends not two fixed and limited positions but two outlooks on life, each with its own range of emotional associations, its own resonances throughout the poem.

In *The Owl and the Nightingale*, composed probably within a decade of Henry II's death, I would see the summation of the twelfth-century debate poem. Here is not only a display of *sic et non*, of the validity of both sides of every argument, the justification of different ways of living at different moments of living — here is a demonstration that all this rationality and moralizing, all this intellectual and verbal agility in the service of honest judgement, is rooted in irrationality and prejudice, in the inborn tastes and antipathies of the natural creature: one man's Owl is another man's Nightingale. Into this gloriously colloquial send-up of the schoolmen's debate, the poet, Nicholas of Guildford⁷⁰ — overlooked for preferment and cut off from courtly exercise in his corner of Dorset — pours all his wit and his reading, both light and heavy. He lends new vivacity and pungency to the sphere of *tensos* and *jeux-partis*; in his satire and invective he continues the Latin goliardic vein, but in his treatment of a debate-theme — whether the love of maids or married women is to be preferred — he avoids the bawdy flippancy and dizzying wordplay that Alan of Lille had accorded this topic in one of his early poems;⁷¹ instead, he enters with gentle compassion and natural sympathy into the thoughts and anxieties both of the girl and the married woman.

⁷⁰ The ascription of the poem to Nicholas of Guildford is contested by Professor Stanley (*ibid.*, p. 21), and again by the translator Brian Stone (*The Owl and the Nightingale* (Penguin Classics, 1971), p. 250, citing Stanley), on account of 'the poet's charge that Nicholas' superiors abuse their power and corruptly and nepotistically make over the emoluments from ecclesiastical offices to those unfit to discharge them. ... he must have known that, if his superiors were to see *O & N*, his vague accusations would lead to resentful repression, not advancement.' But it is precisely in poems in which they make such accusations that the two greatest moral-satirical Latin poets of the twelfth century, Walter of Châtillon and Hugh Primas of Orléans, name themselves: compare Walter's *Versa est in luctum/cythara Walteri* (*Maralisch-sat. Gedichte* (see above, n. 19) no. 17), or Primas' address to the clergy of Sens, *Iniuriis contumeliosque concitatus* (ed. W. Meyer, *Göttingen Nachrichten* (1907) no. 16). The licence to bring such charges forward may be linked with the licence of the Feast of Fools (*festum baculi*), in the context of which there is reason to believe many of Walter's critiques of the Church were performed (see the valuable recent discussion by P. G. Schmidt, 'Das Zitar', above, n. 21). To those familiar with the full range of Walter's moral-satirical poetry it will be evident that, in poetry of the later twelfth century, the indirect plea for preferment is compatible with a vehement critique of the prevailing conditions of preferment.

⁷¹ *Vix nodosum valeo nodum denotare*, ed. Polycarp Leyser, *Historia poetarum et poematum mediæ ævi* (Halle a.S., 1721), pp. 1092-5; cf. also M.-Th. d'Alverny, *Alain de Lille, Textes inédits* (Paris, 1965), pp. 42-44, and *MLREL* 2.569.

Thus by 1200 we have clear evidence, Latin and vernacular, that the debate-poem could be far more than a virtuoso skirmish. Among sensitive poets, it could be made to reflect and carry all the tensions and doubts, the worldly and unworldly aspirations, of themselves and their society. In this perspective the conflicting impulses in the poetry of Peter of Blois reveal their full significance.⁷²

APPENDIX A

A tentative bibliography of the poetry of Peter of Blois

Principal references:

- A: London, British Library Arundel 384, s. XIV².
fols. 232r-237r: 28 lyrics, ed. W. Meyer, 'Die Arundel Sammlung mittellateinischer Lieder', *Abhandlungen der kgl. Ges. der Wiss. zu Göttingen*, N.F. 11.2 (1908).
- Au: Auxerre, Bibliothèque municipale 243, a. 1358.
fols. 18r-v: 5 lyrics, ed. A. Vernet, 'Poésies latines des XII^e et XIII^e siècles', *Mélanges dédiés à la mémoire de Félix Grat* 2 (Paris, 1949), pp. 251-275; three of the lyrics newly ed. P. Dronke, *Medieval Latin and the Rise of European Love-Lyric*, 2nd ed., 2 (Oxford, 1968), pp. 374-80, 403-6. [MLREL].
- B: Munich, Bayerische Staatsbibliothek Clm. 4660, c. 1220-1230.
Ed. A. Hilka, O. Schumann and B. Bischoff, *Carmina Burana* (I i-iii, II i; Heidelberg 1930-1970); see also B. Bischoff's discussion of the MS. in the facsimile ed. (Munich-New York, 1967).
- C: Cambridge, Corpus Christi College 228, s. XIII.
fols. 129r-v: 6 lyrics (described in Appendix B below).

⁷² Not long after this essay was sent off for publication, a note appeared in *Mittellateinisches Jahrbuch* 10 (1975) 319-20, signalling a dissertation by R. W. Lenzen, *Ueberlieferungsgeschichtliche und Verfasseruntersuchungen zur lateinischen Liebesdichtung Frankreichs im Hochmittelalter* (Bonn, 1973). Through the kindness of Dieter Schaller, I have meanwhile been given a copy of this thesis. Lenzen has the merit of discovering the group of songs in C (Corpus 228), and gives a text of *Blandus aure spiritus* (pp. 76-78), though this differs in several details from the text given above. Lenzen claims the Arundel love-lyrics for Peter of Blois, as I had done in 1968 (*The Medieval Lyric*, p. 252), and he looks at love-songs in the MSS. Au, O, and P (see below, p. 219, as well as in Vat. Reg. lat. 344, and discusses the relationships among these MSS. He does not, however, follow my suggestion of 1968 (*ibid.*) of also ascribing this further group of love-songs to Peter; indeed, he did not note this first provisional bibliography of Peter's lyrics. Lenzen likewise overlooked Bezzola's discussion of Peter, and was thus left with serious perplexities when writing about the *second* Peter of Blois (here he tends to reproduce the unresolved deliberations of Spanke about the two Peters as lyric poets, in *Studi medievali* N.S. 4 (1931) 378-9 and *Speculum* 7 (1932) 379). Lenzen's dissertation is valuable, however, for its discussion of diction in the Arundel love-lyrics, for its study of the textual relationships of Au, C, O, and P, and for its fine edition of the *Altercatio Ganimedis et Helene*, printed as an appendix.

- F: Florence, Biblioteca Laurenziana Plut. 29.1, s. XIII².
Facsimile ed. L. Dittmer, *Veröffentlichungen mittelalterlicher Musikhandschriften*, vols. 10-11 (New York, [1967-8]). The fullest and best description remains that of F. Ludwig, *Repertorium organorum recentioris et motetorum vetustissimi stili* I i (Halle a.S., 1910), pp. 57-125.
- O: Oxford, Bodley Add. A. 44, s. XIII in.
Description and partial ed. by A. Wilmart, 'Le florilège mixte de Thomas Bekyn-ton', *Mediaeval and Renaissance Studies* 1 (1941) 41-84; 4 (1958) 35-90.
- P: Paris, Bibliothèque Nationale Lat. 3719, s. XII.
(completed by Bernart Itier in 1210). Description by H. Spanke, *Zeitschrift für französische Sprache und Literatur* 54 (1931) 308 ff.

The poems are listed below in alphabetical order, and are referred to by italic numbers (1-52). For each poem I give a reference to one edition only — wherever possible, to a recent edition or to a critical text.

The authenticity of six songs (19, 26, 35, 37, 38, 40 in the list below) is guaranteed by Peter's *Epistle* 57, in which these songs — *maturiore stylo* — were sent to William of Aulnay. Again, I know of no reason to query the MS. attribution of the two metrical pieces (12, 42) in the poetic debate with Robert of Beaufeu. Beyond this, there are no MS. attributions to Peter, and the question is one of weighing probabilities based on internal evidence and on the collocation of certain songs in the MSS.

If one accepts the perceptive indications of Schumann (see above, n. 27), and hence ascribes five further songs (7, 18, 22, 27, 49) to Peter, one obtains a fairly substantial group of texts which can be compared in their more striking features of diction, rhythm and rhyme, as well as thematically, with anonymous lyrics in some of the principal MS. collections.

Compare for example:

servat hostis aditus
sollicitus
et exitus
explorat,
trahens hanc in publicum
que lubricum
sophisticum
ignorat.

Me deterret Dine raptus,
cuius forma Sichem captus,
dum affectat temere
violati carpere
primicias
pudoris ... (26, *Olim militaveram*)

with the following:

O Lycori, valeas
 et voveas
 quod vovi:
 ab amore spiritum
 sollicitum
 removi. (27, *Olim sudor Herculis*)
 ... aetatem circa puberem
 exigerem
 et carperem
 primitias
 pudoris. (11, *Ex ungue primo teneram*)
 preces perdat vacuas —
 sed ianuas
 pudoris
 et gremium
 dat pervium
 discursibus
 et lusibus
 amoris ...
 et lirico
 sub cantico
 iam spiritum
 sollicitum
 removit. (33, *Predantur oculos*)

The song that is certainly Peter's, *Olim militaveram*, displays one of his characteristic uses of rhythms and rhyme. The key feature is the high incidence of 4-syllable lines with stress on the proparoxytone (4pp lines, in Norberg's notation), rhyming with each other and/or with a preceding 7-syllable line with proparoxytone stress (7pp). The 4pp lines are often followed by a trisyllabic line with stress on the paroxytone (3p).

The rhyming use of 4pp + 4pp + 3p, often surrounded by 7pp lines, is characteristic of Peter's lyrics; so is the interspersing of occasional 4pp lines rhyming with preceding (or, less often, with following) 7pp ones: e.g.

Quod amicus suggerit
 fer cum paciencia:
 desere palacia,
 nam curia
 curis, immo crucibus
 et mortibus
 semper est obnoxia. (40)

Naturally these rhythm and rhyme patterns are not exclusive to Peter. In the lines from the four lyrics quoted above, however, the rhythmic parallels are unmistakably reinforced by verbal ones, and I should find it hard to believe that *Olim sudor Herculis*, *Ex ungue primo teneram*, and *Predantur oculos* are by any poet save the author of *Olim militaveram*. So, too, the allusion to Dina in this song of Peter's links with the Dina strophe (st. 5), in *Vite perditæ* (CB 31; 49 in the list below), where the rhymes (st. 3):

Non sum duplici
 perplexus
 itinere,
nec addidici
 reflexus
 a Venere,
nec fraudavi temere
 coniugis amplexus;
Dalidam persequere,
 ne fraudetur sexus!

link both with *Quod amicus suggerit* (st. 3):

quod in votis sum perplexus ...
 dum ad usum glorie
michi cedit omnis sexus,
 etas et condicio —
totus feror in amplexus
 voluptatis obvie.

and with *Olim sudor Herculis* — both the refrain:

sed temere
diffluere
sub Venere
 laborat.

and st. 3a (rhyming *nexus ... amplexus*). Again, the very unusual feature of a refrain after *each half-stanza* of a sequence links *Olim sudor Herculis* with both *Non carnis est sed spiritus* (22) and *Vacillantæ trutine* (45).

In addition to formal and verbal parallels, there is a range of thematic parallels. Characteristic of Peter's lyrics are: (1) the justification of different modes of living at different ages of life, and especially the defence of loving as the right 'life-style' for youth; (2) the preoccupation with *fama* and with how it may be tarnished; (3) the contrasts between flesh and spirit, and between love and reason; (4) the amours of Jupiter and of Hercules (as mentioned in Peter's *Epistle* 76) — seen either as encouragement or as warning; (5) the frequent resolutions to repent and leave worldly loves and pursuits behind; (6) the names of the supposed mistress — Lycoris and Flora (also Florula). In

medieval Latin lyric *Lycoris* occurs, to the best of my knowledge, only in songs attributable to Peter. While the name *Flora* occurs more widely, e.g. in a pair of poems by Hugh Primas (ed. Meyer, vi and vii), or in *CB* 106 and 186, the recurrence of *Flora/Florula* in the Arundel group (*Arundel* nos. 3, 6, 7, 8, 9, 14, 15, 16), which I believe must be attributed to Peter, is noteworthy. Again, a third fictive name, *Coronis*, appears to be confined, in medieval Latin lyric, to songs that are probably Peter's.

The final type of evidence lies in the way certain songs, which on other grounds are likely to be Peter's, are grouped together in particular MSS. The most important of these are A, Au, and the newly-discovered C.

A begins with a group of 16 love-songs. The formal and verbal parallels within the group, of which more detailed indications are given below, as well as the recurrent use of the names *Flora/Florula* and *Coronis* for the beloved, indicate a single author. He gives his name in the acrostic in *Arundel* 7, *Plaudit humus Boree* (30), where the initial letters of the five stanzas spell P E T R I. Spanke, who pointed this out in 1931 (see above, n. 27), also suggested some valuable formal parallels between Arundel lyrics and songs of Bernart de Ventadour and Arnaut Daniel (both of whom, significantly, visited the court of Henry II in England), and commented that thus 'wird der Komplex Peter von Blois — Arundelsammlung — Provenzen recht auffallend', col. 118). In 1968 I extended Spanke's suggestion, ascribing the whole group *Arundel* 1-16 to Peter (*The Medieval Lyric*, p. 252); while on that occasion I mentioned the Christmas-hymns in the later part of the collection somewhat hesitantly, I would now have little hesitation in adding *Flos preclusus sub torpore* (13, = A 17), where Spanke noted the formal parallel with Bernart de Ventadour, and the Christmas-sequence *O cessant gemitus* (24, = A 20) — see the indications below. Finally, the love-song *Quam velim virginum* (34, = A 28) is common to Arundel and the MSS. Au, C, and P, all of which contain songs that on other grounds I would attribute to Peter.

These three MSS. share not only *Quam velim virginum* but *Ex* (v. 1. *Ab*) *ungue primo teneram*; Au and C, in addition, share *Predantur oculos*, and *Ver prope florigerum* (C containing the same garbled fragment of this song as Au, inserted in the midst of *Predantur oculos*); C and P share *Hemale tempus vale* (15) — both preserving the fragmentary form of this song, inc. *De terre gremio*. The songs found only in Au or only in C are sufficiently close to the others stylistically for it to be at least probable that in each case the whole group is by the same poet.

Ver prope florigerum survives also in O, the 'florilège mixte de Thomas Bekyn-ton', which likewise contains five of the six songs that Peter sent in his letter to William of Aulnay (19, 35, 37, 38, 40), as well as other songs (15, 27) we have good reason to attribute to Peter. In addition to these, I suggest below the possible attribution to Peter of five further songs preserved anonymously in O (4, 6, 23, 36, 41) — but these are more tentative ascriptions.

Similarly, the celebrated musical MS. F contains one of Peter's indisputable songs (19), several that I would ascribe to him on the basis of other MSS. (1, 13, 23, 27, 36, 49), but also three (39, 46, 48) that I would add, at least provisionally, on grounds of style and theme. Further brief indications concerning these three, and concerning isolated songs from other MSS., are given in the notes below.

1. *A globo veteri* (A, B, F). Ed. CB 67.

1a-b: 2 × 7pp + 4pp + 3p rhyme-lines (cf. 11, 14, 33) 2a-b, 3a-b: 4pp rhyme-lines 4a-b: 4pp, 7pp + 4pp + 3p rhyme-lines 5a-b: 7pp + 4pp + 3p rhyme-lines.

3b risus lascivia (cf. 9, 3 Lasciva [*lascivia* suggested by Schumann] blandi risus; 32, 3 dat risus blandioris lasciviam) 4a libraminis (cf. 45, 1a) 4b labellulis ... nectareus (cf. 27, 3b nectar huic labellulis; 30, 3; 45, 2b) 5b Coronis (cf. 5, 6; 14, 3a).

2. *Blandus aure spiritus* (C). Ed. above pp. 204-5.

1 cum Veneris imperio (cf. 45, 3b sub Veneris imperio); humum pingit (cf. 28, 2) 2 Aquilo (cf. 5, 3; 8, 4; 28, 1-2; 44, 1 etc.) 3 in voluptates corporis (cf. 7, 1 carnis voluptatem) 4 Homo noster carneus elementa sequitur (cf. 22, 1a); ignis tectus urit pectus (cf. 10, 1-2).

28 has the collocation of *Aquilo* (twice), *elementa*, *imperia veneria*, *solum pingit*, and *Veneris ... declinat* (cf. 2, 3 *condeclinet ... Veneri*).

The 'times of life' topos, with youth as the time for love, is characteristic of Peter's lyrics (cf. 7, 15, 22, 23, 26, 46, 48, 49).

3. *Brume torpescunt <frigora>* (A). Ed. Arundel 6.

1 equora ... anchora (cf. 45, 2a equore ... anchore; both probably derive from CB 62, *Dum Diane vitrea*, 8) 2 Florula (cf. 8 and 45; Flora in 20, 28, 30, 43, 44).

4. (possibly) *Da plaudens organo* (O). Ed. *English Historical Review* 5 (1890) 315-16. 4pp rhyme-lines in each stanza.

Vv. 9-11 aquarum exitus singuli deducant oculi (cf. 38, 1); vv. 17-18 mundane machine frons labitur (cf. 1, 1b machine mundane 3a frons nivea).

5. *Dionei sideris* (A). Ed. Arundel 1.

7pp + 4pp + 3p (close of each strophe).

3 Aquilonem ... novercari ... Aquilonis ocium (cf. parallels under 2, and esp. 28, 2 Aquilo ... novercali)

5 Ledit, urget, vulnerat ... lenit, mulcet, temperat; 6 mente, domo, thoris (cf. 8, 3 lusus, amplexus, oscula; 5 videre, loqui, ludere; 10, 6 verbis, risu, basiis; 13, 3 credit, sperat, placet ei; 18, 1 corpus, rem et animam; 23, 2 Sis pius, iustus, sobrius ... prudens, docilis, humilis; 26, 2a fame, siti, verbere; 40, 5 vincis, regnas <et> imperas; 9 pungunt, angunt, lacerant; 45, 2b frons, naris ... cesaries) 6 Coronis (cf. 1, 5b; 14, 3a). For the songs of Jupiter's amours, cf. Peter's *Ep.* 76 (discussed above p. 197), and the parallels given under 8.

6. (possibly) *Discat cancellarius* (O). Ed. *English Historical Review* 5 (1890) 317-19. Abundant 4pp rhyme-lines throughout.

Vv. 5-7 nec altum sapere nec temere cor suum apponere [137-8 temere componere] (cf. 18, 3 desere temere ... genere cedere; 27, Refl. sed temere diffluere sub Venere; also 7, 2 and 4; 20, 1; 23, 1 and 6; 41, 9; 46, vv. 34 ff.); v. 34 libramine (cf. 1, 4a; 45, 1a); vv. 43-64 Non stat in directo pes suus ... pedi mens ascribitur: equaliter dividitur inequalitatis vicium (cf. 18, 3 Ut stes pede stabili sine casu facili, cave precipitium, devitando vicium); v. 77 fugit qui fugaverat (cf. 10, 4 fugat dum fugatur; 18, 3 fugiendo fugitur; 26, 2b fugaces fugias; 27, 4a dum fugitur, fugatur; 49, 8 fugando fugiam); vv. 86-87 Nulla lex equior nec gravior (cf. 47, vv. 11-13 reddetur herba gravior, fons purior, mens leciore); vv. 107-9 arte peris propria, de cetero si te non docuero (cf. 27, 4b de cetero ad alia dum traducor studia); vv. 131-3 In huius operis mira metaphora ridendus in tempora (cf. 1, 2a In hac pre ceteris totius operis Nature lucet opera, tot munera ...).

The parallels with 18 are noteworthy; the verbal and rhythmic analogies to 27, while individually slight, are also interesting when considered cumulatively.

7. *Dum iuventus floruit* (B). Ed. CB 30.

Two 4pp rhyme-lines in each stanza.

1 iuventus floruit (cf. 18, 1 iuvente floribus; 26, 1a flores iuventutis); licuit et libuit (cf. 46, vv. 21-22 libitum pueris est licitum; 48, v. 2 plus libitum quam licitum); voluntatem ... voluptatem (cf. 46, vv. 40-41 voluntatis voluptatis) 2 contulit ad usum (cf. 40, 3 dum ad usum glorie 10 dedit ad usum homini) 4 resipiscere (cf. 48, v. 4).

The 'times of life' topos (see references under 2) is here combined with the equally characteristic resolution of Peter's to repent and begin a better life (cf. also 18, 37, 40, 49).

8. *Dum rutilans Pegasei* (A). Ed. *Arundel* 9.

Refr.: 4 × 4pp rhyme-lines.

Refr. Felicibus stipendiis ... dum lusibus et basiis (cf. 43, Refr. Quam dulcia stipendia et gaudia felicia) 3 lusus, amplexus, oscula [5 videre, loqui, ludere] (cf. the other such triads listed under 5); Florula (cf. the other instances listed under 3) 4 livor (cf. 30, 4; 31, 5b).

For the amours of Jupiter (2), compare 5, 4; 43, 7; 46, vv. 23 ff., and Peter's *Ep.* 76 (cited above p. 197); for the 'loss of fama' topos, compare 17, 27, 30, 47, 48.

9. *Estas in exilium* (B). Ed. CB 69.

2 crucior, morior (cf. 32, 4 excrucior, ha, morior!) 3 Lasciva [*Lascivia* suggested by Schumann] blandi risus (cf. 1, 3b risus lascivia; 32, 3 dat risus blandioris lasciviam); leta frons tam nivea ... tam regia, tam suavia, tam dulcia (cf. 32, 3 frons libera, frons tenera, nec prodiga); rideo, cum video (cf. 15, 12 Rideo, dum video).

10. *Estivali Clarius* (A). Ed. *Arundel* 5.

4 fugat dum fugatur (cf. parallels listed under 6) 6 verbis, risu, basiis (cf. parallels listed under 5).

11. *Ex ungue primo teneram* (Au, C, P). Ed. *MLREL* 2.378-80.

1a-b: 7pp + 4pp, 7pp + 3 × 4pp + 3p rhyme-lines (cf. 1, 14, 33).

1a et carperem [*sic* C] primitias pudoris (cf. 26, 4a violati carpere primitias pudoris; 48, v. 22 dum carpitur fructus Venereus) 1b illecebras amoris (cf. 47, v. 38 illecebris amoris).

For the theme of the girl too young for love, compare 29, 3-4 (29, 4 *Uvam carpo non adhuc teretem*).

12. *Felix ille locus quem vitis amenat amena* (MSS.: cf. H. Walther, *Initia* 6332). Ed. *Zeitschrift für romanische Philologie* 47 (1927) 32.

This is the opening poem of Peter's poetic debate with Robert of Beaufeu.

13. *Flos preclusus sub torpore* (A, F). Ed. *Arundel* 17.

1 Flos preclusus (cf. 32, 1 *Preclusi viam floris*) 3 credit, sperat, placet ei (cf. the triads listed under 5).

14. *Grates ago Veneri* (A, B). Ed. *CB* 72.

1a-b: 2 × 4pp rhyme-lines 2a-b: 2 × 7pp + 4pp + 3p rhyme-lines 3a-b: 2 × 4pp; 7pp + 4pp + 3p rhyme-lines 4a-b: 4pp rhyme-lines 5a-b: 7pp + 4pp + 3p rhyme-lines.

1b *Dudum militaveram* (cf. 26, 1a *Olim militaveram*) 2b *mea me sollicitat dum dubitat* (cf. 45, 2a *flatu concussa fluitat, sic agitat, sic turbine sollicitat*); *solvere virguncula repagula pudoris* (cf. 24, 7 *nulla lesit macula repagula pudoris*; 32, 1 *repagula dans aurula clementia teporis*) 3a *Coronidis* (cf. 1, 5).

15. *Hyemale tempus, vale* (C, O, P, Zürich C58/275). Ed. *Mediaeval and Renaissance Studies* 4 (1958) 62-63.

3-6: 4pp rhyme-lines; each stanza ends with a rhyme (*calore — rigore — colore — canore*) that has no counterpart in the stanza (cf. the rhyme in the last lines of the 7 sts. of 43: *more — labore — tumore — levioire* etc.)

8-9: 2 × 4pp; 6pp + 4pp + 3p 11-12: 3pp + 4pp; 2 × 7pp; 2 × 4pp + 3p. 8-9 Extensive imitation of *CB* 62 (*Dum Diane vitrea*), 7 — the song is imitated also in 3 and 45 9 *Mens effertur letior ... dum iaceo gramineo sub arbore frondosa riparum margine, cum virgine formosa* (cf. — apart from *CB* 62 — 47, vv. 11-13 *reddetur herba gravior, fons purior, mens leior*) 12 *Rideo, dum video* (cf. 9, 3); *progreditur et sequitur amorem* (cf. 33, vv. 14-16 *loquitur, et sequitur amatam*).

11-12 contain Peter's characteristic 'times of life' topos (see parallels listed under 2).

16. *Iam vere fere medio* (A, Vat. lat. 4389). Ed. *Zeitschrift für romanische Philologie* 50 (1930) 94-95.

4pp rhyme-lines in each stanza.

2 veterem ... Venerem (cf. 50, 1 Venerem ... veterem; 49, 7 veteris ... Veneris — though often elsewhere too in twelfth-century lyric) 3 nec abluto sine luto (cf. 49, 7 tuto ... luto; 50, 3 muto ... tributo).

Both 16 and 49 likewise have nine stanzas — though in itself this is not uncommon.

17. *In laborem sponte labor* (A). Ed. *Arundel* 11.

1 nec invitus pacior, quod me pati glorior (cf. 9, 2) 2 nec quod errem nescio, sed scienter devio. Hoc errore si diffamor, placet diffamatio (cf. 45, Refr. causam languoris video, nec caveo: videns et prudens pereoo; cf. also the other variations on the 'loss of fama' topos, in 8, 27, 47, 48).

18. *In lacu miserie* (B). Ed. *CB* 29.

2 × 4pp in each stanza.

1 iuente floribus (cf. 7, 1; 26, 1a); corpus, rem et animam (cf. the parallels to such triads listed under 5) 2 Hydra multiplicior, et post casum fortior surget Terre filius (cf. 27, 1a Hydra damno capitum facta locupletior; also 27, 3a) 3 fugiendo fugitur (cf. the parallels listed under 6).

For further parallels with 6, see *ad loc.*; for the allusions to Joseph and Potiphar's wife in this stanza, cf. 19 (i), 1; for the theme, cf. 27, 4a).

19. (i) *In nova fert animus mutare (ructare Migne) querimoniam* (O). Ed. *PL* 207. 1131 (the three sts., 9-11).

Authenticated by Peter's *Ep.* 57. Note the 4pp rhyme-lines, and 4pp + 4pp + 3p in the second stanza; note also the Joseph allusion in the first stanza, as in 18.

(ii) (possibly) *In nova fert animus via gressus dirigere* (F, fol. 427v):

In nova fert animus
via gressus dirigere,
non pudet quia lusimus
sed ludum non incidere,
 si temere
 de cetero
 distulero,
non currens ad remedia,
 canitie
 cotidie
citante peremptorie,
liquet de contumacia.

(Yet another song in F, fols. 323v-324, begins: *In novas fert animus formas adversum hominem*, but is stylistically unlike Peter's lyrics). This fragment, which, like a number of medieval Latin poems, begins with an echo of the opening line of Ovid's *Metamorphoses* (cf. H. Walther, *Initia* 9025-32), is almost certainly by the same author as 23; this was already suggested by G. M. Dreves (*Analecta*

hymnica 10.32) who printed the stanza. Both this and 23 are either by Peter or are imitations by a poet well-versed in Peter's art. (Dreves's further suggestions, *ibid.*, p. 31, that the strophe *Cum omne, quod componitur*, and the whole of section XIII of the Codex Laurentianus, may be by the same author, and that this author is not Peter but Philip the Chancellor, seem to me unacceptable).

20. *Ipsa vivere michi reddidit* (A). Ed. *Arundel* 3.

2 Dum Venerio ... dato basio (cf. 47, vv. 17-19 inpresso celer basio Venerio, rem finio); Flora (cf. the parallels listed under 3) 3 Sepe refero cursum liberum sinu tenero, sic me superum addens numero: Cunctis impero ... (cf. 47, vv. 25-28 discursus libero, sub crure manum tenero dum perfero, Medis et Persis impero; also 43, 4).

21. *Nec mare flumini* (Bern 568). Ed. H. Hagen, *Carmina medii aevi* (Berne, 1877), pp. 186-8.

(Hagen's text does not indicate the classical sequence form: 1a = Hagen vv. 1-5, 1b = 6-10; 2a = 11-23, 2b = 24-36; 3a = 37-47, 3b = 48-58).

1a-b: 3 × 4pp rhyme-lines 2a-b: 2 × 4pp + 4pp + 4pp + 3p.

2b Eximio virtutum radio prae ceteris in modum sideris (cf. 1, 2a In hac prae ceteris totius operis Nature lucet opera; and 1 *passim*; 23, 7 virtutis radio); Iuvenili senio reprimeris, nec sequeris legem iuventutis (the 'ages of life' topos and the expression *legem iuventutis* are characteristic: cf. especially 2, 4 legibus ... iuventam; 7, 26) 3a Caro prae nobilis, ancilla spiritus (cf. 22, 1a; also 26 *passim*) 3b Promptus in examine iudicialis trutinæ (cf. 45, 1a).

22. *Non carnis est sed spiritus* (London, British Library Add. 15722). Ed. Appendix C below.

2a-b: 4pp rhyme-line; 2 × 4pp (rhyming with each other).

This song shares with 27, 41, 45, and 50 the very unusual feature of being a rhymed rhythmic sequence, classical in form, that uses a refrain after each half-strophe.

1a For the *caro-spiritus* contrast, cf. 21, 3a, and 26 *passim*; et puteum interitus (cf. 40, 10 in puteum interitus — though the expression is biblical) 2b ad veniam devenio (cf. 49, 9 Ergo veniam ... ut inveniam; 50, Refr. nam si venit, ut veneat — though other authors use similar *annominationes*) 3a Ara porcorum fetida ... fame compulsus valida me siliquis cibavi (cf. 49, 4 Famem siliqua porcorum ...).

23. (possibly) *Non te lusisse pudeat* (B, F, O, and four other MSS.). Ed. CB 33 (see also 1.3, *Nachträge*, ad loc.).

Each stanza has a 4pp rhyme-line.

1 Non te lusisse pudeat, sed ludum non incidere (cf. 19 [ii] Non pudet, quia lusimus, sed ludum non incidere) 2 Sis pius, iustus, sobrius, prudens, pudicus, humilis (cf. the triads in Peter's songs listed under 5) 7 declines ad illecebras,

sed cece mentis tenebras purga virtutis radio (cf. 27, 1a cecis clausa tenebris, Ioles illecebris; 21, 2b virtutum radio — though the phrase is fairly common).

24. *O cessent gemitus* (A). Ed. *Arundel* 20. (Meyer numbers the four pairs of half-strophes 1-8).

1a-b: 2 × 4pp + 3p rhyme-lines 2a-b: 2 × 4pp rhyme-lines 3a-b: 4pp rhyme-line 4a-b: 2 × 4pp rhyme-lines; 7pp + 4pp + 3p.

4a nulla lesit macula repagula pudoris (cf. 14, 2b solvere virguncula repagula pudoris; and 32, 1).

25. *O cunctis liberalior* (A). Ed. *Arundel* 13.

There are no very striking rhythmic or verbal parallels to Peter's other songs, probably because here he attempted a parody of an unusual kind. The three opening stanzas could at first seem a serious *planctus* of unrequited love (though the grammatical puns in 1 and 3, and the rhyme *responsis/non sis* in 2, would make one suspicious); then in 4-10 comes the burlesque: the object of love is a boy, whom the lover will very soon dislike, because he is getting too hairy!

26. *Olim militaveram* (cf. H. Walther, *Initia* 13171). Ed. Appendix C below. Authenticated by Peter's *Ep.* 57. Note the 4pp rhyme-lines in 2a-b; in 3a-b, 2 × 7pp + 4pp + 4pp + 3p; and the parallels listed under 2, 6, 7, 11, 18, 21, 22, 31, 47, 49. The lines 4b *Et ut umbra preterit figura huius mundi*, and 5 *Nodos abrumpe veteres*, can also be paralleled in the authenticated song 40.

27. *Olim sudor Herculis* (B, F, O, Cambridge UL Ff.I.17, Vat. Reg. lat. 344). Ed. *CB* 63.

Abundant 4pp rhyme-lines throughout. Refr.: 3 × 4pp + 3p rhyme-lines 3a-b: 7pp + 4pp + 3p 4a-b: 2 × 7pp + 4pp + 3p. For the rhymes and rhythm of the refrain, see parallels under 6; for the use of a refrain after each half-strophe of a sequence, see the comment under 22.

1a cecis clausa tenebris, Ioles illecebris (cf. 23, 7) 1b Hydra damno caput facta locupletior (cf. 18, 2) 2a quem captivum tenuit risu puella simplici (cf. 33, vv. 1-4 captivant animum ... vultus et simplices risus Euridices) 3a cf. 18, 2 et post casum fortior surget Terre filius 3b labellulis (cf. 1, 4b; 30, 3; 45, 2b) 4a dum fugitur, fugatur (cf. the parallels listed under 6) 4b ad alia dum traducor studia (cf. 33, 2b Iam nunc ad alteram traductus operam, mutato studio ...; 45, 3a aliis ... studiis); Lycori (cf. 32, 3; 47, v. 1); ab amore spiritum sollicitum removi (cf. 33, vv. 38-40 iam spiritum sollicitum removit — both times concluding the song). The parallels with 33 are particularly noteworthy. For the 'loss of *fama*' topos of the Refrain and 1a, see the parallels under 8; for the reference in Peter's *Ep.* 76 to his songs about Hercules, see above p. 197.

28. *Partu recenti frondium* (A). Ed. *Arundel* 16.

Refr.: three 4pp rhyme-lines.

Refr. Ha! Quam gravia michi sunt imperia veneria (cf. 44, Refr. Ha! Quam dulcia sunt gaudia ...) 1, 2 Aquilone, Aquilo (see parallels under 2)

2 *dulcis aure sibilo* (cf. 44, 1 *leni favens sibilo*) 3 *Morbo felix infelici* (cf. 44, 1 *felix infelicitur*) 4 *sophista vultus* (cf. 44, 2 *osculis sophisticis*). Other parallels with 2 are given ad loc.; for Peter's Flora poems, see references under 3. The exceptional closeness of this lyric to 44, and the fact that they adjoin each other in the Arundel collection (*Arundel* 15 and 16), suggests to me that here we have a diptych: while Peter composed numerous other lyrics about Flora/Florula, this pair is distinctive in that in the one (16) Flora is suspected of inconstancy, in the other (15) she is accused of it outright. This corresponds precisely to the themes of Hugh Primas' Flora-diptych in leonine verse (the two Flora poems mentioned above, p. 219), and suggests to me that Hugh here provided Peter's point of departure.

29. *Phebeo reditu calescit Aries* (Au). Ed. *Mélanges Félix Grat* 2. 264-5.

2 *Scatent fontes inter montes, garruli per convalles agunt rivuli* (cf. 47, vv. 5, 9-10 *Iam iuxta garrulos lascivit rivulos ... fontis euntis vallibus declivibus*) 3 *Sed est ultra quam vellem iunior: nundum enim iugum compatitur, nec amoris flammis adurit* (cf. the theme of 11, and the expression *Quam vellem virginum*, 34, 1) 4 *Uvam carpo non adhuc teretem* (cf. 11, 1a *et carperem primitias pudoris*; 26, 4a; 48, v. 27 *dum carpitur fructus Venereus*) 5 *virgunculam* (cf. 11, 2b).

The relations between this song and three that adjoin it in Au (especially 11, but also 47 and 34) are significant.

30. *Plaudit humus Boree* (A). Ed. *Arundel* 7.

The initial letters of the 5 strophes form the acrostic P E T R I.

Refr. *Felix morbus, qui sanari nescit sine morbo pari* (cf. 32, Refr. ... *felix Amor miseria, ha! dulci morbo langueo*) 3 *Flora* (see references under 3); *favum de labellulis* (cf. 27, 3b *nectar huic labellulis*; also 1, 4b; 45, 2b) 4 *livor* (cf. 8, 4; 31, 5b); *timens te notari nigris fame titulis* (see parallels under 8).

31. *Post dubiam* (Bern 568). Ed. H. Hagen, *Carmina medii aevi*, pp. 182-6.

Classical sequence form (not indicated by Hagen): 1a = Hagen vv. 1-7, 1b = 8-14; 2a = 15-24, 2b = 25-34; 3a = 35-43, 3b = 44-52; 4a = 53-62, 4b = 63-72; 5a = 73-84, 5b = 85-96. Abundant 4pp rhyme-lines throughout. 5a-b: 2 × 4pp + 4pp + 3p.

1b *Sophistico Fortunae lubrico* (cf. 26, 3b *que lubricum sophisticum*) 3a *Hanc vitam mori censeo, nec nisi mori voveo, cum tota die moriar* (cf. 40, 7 *Quid te iuvat vivere si vis vitam perdere*) 5b *Dens aemulus et stimulus livoris* (cf. 8, 4 *sinistro livor sibilo*; 30, 4 *dictis livor emulis*).

32. *Preclusi viam floris* (A). Ed. *Arundel* 2.

Two pairs of 4pp lines (rhyming with each other) in each strophe.

1 *repagula dans aurula clementiam teporis* (cf. 14, 2b; 24, 7) 3 *Lichoris* (cf. 27, 4b; 47, v. 1); *risus blandioris lasciviam* (cf. 1, 3b; 9, 3) 4 *excrucior, ha, morior* (cf. 9, 2 *amare crucior, morior*).

33. *Predantur oculos* (Au, C). Ed. (from Au) *MLREL* 2. 403-6.

The form could be seen as an 'archaic' sequence: 1a = vv. 1-4; 2a = 5-10, 2b = 11-16; 1b = 17-20; 3a = 21-30, 3b = 31-40. 1a-b: 4pp rhyme-lines 2a-b, 3a-b: 4pp rhyme-lines; 7 pp + 4pp + 3p 3a-b: 4 × 4pp + 3p.

1a siderei vultus et simplices risus Euridices (1, 3a simplices siderea luce micant ocelli; 3b verecunda risus lascivia; 47, vv. 33-35 Te quando vultu video sidereo, depereo; sed quando rides ...); vocalis Orphei ... risus Euridices (cf. 47, v. 21 ploratam Orpheo reddis Euridicem; 41, 9 Orpheique lirici) 2a rimari solitus circuitus, celo fugam siderum ... (cf. 41, 1 Ridere solitus Democritus ad occursum singulos ... — though the expression *rimari solitus* itself is from Boethius, *Cons.* I m. 2) 2b Iam nunc ad alteram traductus operam, mutato studio ... (cf. 27, 4b ad alia dum traducor studia; 45, 3a) 3b iam spiritum sollicitum removet [2b amantis spiritum sollicitum] (cf. 27, 4b ab amore spiritum sollicitum removi).

34. *Quam velim virginum* (A, Au, C, P). Ed. *Mélanges Félix Grat* 2.263-4.

1: Two 4pp rhyme-lines 2: 2 × 4pp.

1 Pudoris prodigam (cf. 32, 3) 3 Non curo teneram etate primula: non arat sapiens in tali vitula. Est enim sacius cognosse puberem Quo blandam senciat ex equo Venerem (cf. 11, 1a teneram ... prima vice aetatem circa puberem exigerem; 29, 4 Litus aro, nec meto segetem: both 11 and 29 adjoin 34 in Au, 11 adjoins 34 also in C and P) 4 Non declinaverim ad eius gremium (cf. 2, 3 in voluptates corporis condeclinet; 23, 7 declines ad illecebras; 28, 3 ad vana mens declinat).

35. *Qui habet aures audiat* (O). Ed. PL 207. 1129-31 (sts. 1-8).

The classical sequence form (1-2, 3-4, 5-6, 7-8 being strictly parallel half-strophes) is not indicated in Migne. The song is authenticated by Peter's *Ep.* 57.

36. (possibly) *Qui seminant in loculis* (F, O). Ed. *Mediaeval and Renaissance Studies* 4 (1958) 76. Three 4pp rhyme-lines in each stanza.

1 non enim servit numini, sed homini ... metit in agro Domini (cf. 40, 10 bonis que manus Domini dedit ad usum homini).

37. *Quid hic agis, anima* (O — although Wilmart, *Mediaeval and Renaissance Studies* 1 (1941) 61, fails to distinguish this lyric from 19 [i]). Ed. PL 207. 1131-2 (sts. 12-13).

Authenticated by Peter's *Ep.* 57. The theme of the lateness of repenting links with the repentance and the 'ages of life' topoi in Peter's other songs (see especially under 2 and 7).

38. *Quis aquam tuo capiti* (O). Ed. PL 207. 1132-3 (sts. 14-20).

Authenticated by Peter's *Ep.* 57.

39. (possibly) *Quo me vertam nescio* (F). Ed. *Analecta hymnica* 21.143 (no. 204).

1 Quo me vertam nescio (= 40, 3, v. 6) 4 Cura, metus, vigiliae [5 Terrae,

maris, aeris] (cf. 26, 2a fame, siti, verberare; 40, 5 vincis, regnas <et> imperas; 9 pungunt, angunt, lacerant; and the many parallels listed under 5). It is also possible to compare certain patterns of rhythm and expression with 40: e.g. 39, 5 *Nisi te nudaveris, vix absolvi poteris* with 40, 8 *quibus si credideris, expectare poteris*; on the other hand, the *sanguisugae filiae* of Proverbs 30: 15 recur in Walter of Châtillon's *Licet eger cum egrotis*. Possibly the song is by an imitator familiar with lyrics both of Walter and Peter.

In the Darmstadt MS. 2777 (s. XIII ex.) this song is one of 26 explicitly attributed to Philip the Chancellor; yet this is not decisive, as the Darmstadt group includes at least one song that cannot be Philip's: *Dum medium silentium tenerent legis apices*: this song forms the climax of Walter of Châtillon's prose and verse discourse to the University of Bologna (*Moralisch-satirische Gedichte*, ed. K. Strecker, no. 3).

40. *Quod amicus suggerit* (O). Ed. above pp. 206-9.
Authenticated by Peter's Ep. 57.

41. *Ridere solitus* (O). Ed. *Mediaeval and Renaissance Studies* 4 (1958) 37-39.
For the use of refrain after each half-strophe of a sequence, see the note under 22.

1-10 (and Refr.): 4pp rhyme-lines 2: 7pp + 4pp + 4pp + 3p 7-8: 7pp + 4pp + 7pp + 3p 9-10: 2 × 7pp + 4pp + 3p.
For the verbal parallels with 33, see references *ad loc.* 4-7 For the theme of the inconstancy and vanity of courts, cf. 40. 4 *finxit ludens fabulis* (cf. 44, 2 *Vanis lactat fabulis*) 6 *ille vultus Prothei multiformes induens* (cf. 44, 2 *dum inducit multiformem Protheum*) 9 *Orpheique lirici lira tracti temere sub Venere delirant* (cf. 27 Refr. *sed temere diffluere sub Venere laborat*; also parallels listed under 6).

42. *Scribo, sed invitatus: invitat enim grave vitis* (Cambridge, UL Gg.VI.42). Ed. *Zeitschrift für romanische Philologie* 47 (1927) 33-34.
This is Peter's reply in his poetic debate with Robert of Beaufeu (cf. 12).

43. *Sevit aure spiritus* (A, B, Vat. Reg. lat. 344). Ed. CB 83.
Two 4pp rhyme-lines in each stanza; Refr.: 4 × 4pp.
Refr. *Quam dulcia stipendia et gaudia felicia* ... (cf. 44 Refr. *quam dulcia sunt gaudia* ... *incendia blesencia*; 9, 3 *cuncta tam elegantia, tam regia, tam suavia, tam dulcia*) 1 *vi frigorum* (cf. 9, 1 and 2 *vis frigoris*) 2 *glorior labore* (cf. 9, 2 *vulnere, quo glorior*) 3 *modico tumore* (cf. 1, 4b, *castigate tumentibus*) 4 *Hominem transgredior, et superum sublimari glorior ad numerum* (cf. 20, 3 *sic me superum addens numero. Cunctis impero* ...); *sinum tractans tenerum cursu vago dum beata manus* ... *descendit ad uterum* (cf. 47, vv. 25-27 *discursu libero, sub crure manum tenero dum perfero*); *regionem pervagata* (cf. 47, v. 23 *Sed digitis evagatis*) 7 On Peter's songs about Jupiter's amours, see parallels under 8, and Ep. 76 (discussed above p. 197).

44. *Spoliatum flore pratum* (A). Ed. *Arundel* 15.

Refr.: 4 × 4pp.

Refr. Ha! quam dulcia sunt gaudia fideliter amantis! incendia blesencia voces adulantis (cf. parallels under 43). Meyer altered *blesencia* to *ledencia*, and inserted *sunt* before *voces*; but the lines make sense as they stand — the joys of love are fires so intense that they make the devotee's speech falter — and above all, *blesencia* surely indicates a word-play on — and by — Petrus Blesensis.

1 Aquilo (cf. parallels under 2); Flora (cf. parallels under 3) 2 dum inducit multififormem Protheum. Vanis lactat fabulis ... (cf. parallels under 41); oculis sophisticis (cf. 26, 3b sophisticis ... lubrico; 31, 1b lubricum sophisticum).

45. *Vacillantibus trutine* (A, B, Cambridge UL Ff.I.17). Ed. above pp. 200-2 (also *Arundel* 14 and *CB* 108, but with some different choices of variants).

Abundant 4pp rhyme-lines throughout stanzas and refrain (2a-b each have six 4pp lines, paired or single). On Peter's use of a refrain after each half-strophe of a classical sequence, see note under 22.

Refr. (cf. parallel under 17, 2) 1a libramine [2b labellula] (cf. 1) 2b frons, naris ... cesaries (cf. parallels under 5) 3b sub Veneris imperio (cf. 2, 1). On the implicit allusions to Hercules (cf. *Ep.* 76), see above p. 200.

46. *Veneris prosperis* (F, Oxford Rawlinson C 510). Ed. *MLREL* 2.393-4.

vv. 1-2 Veneris prosperis (cf. 15, 11 Veneris in asperis) vv. 21-22 Libitum pueris est licitum (cf. 7, 1 Dum iuventus floruit, licuit et libuit facere quod placuit; 48, v. 2 plus libitum quam licitum; on the 'times of life' topos, with youth as the time for love, see parallels under 2) vv. 23 ff. Iupiter, arbiter rerum, instituit nichil dum libuit fieri turpiter ... (cf. 8, 2 Fastidiens rex Iunonem, non imperat lascivie; 5, 4 cum cogatur iterum rex superum mugire) vv. 39-42 fixo telo voluntatis voluptatis utar velo (cf. 7, 1 iuxta voluntatem currere, peragere carnis voluptatem) vv. 34-44 Vivere tenere ... temere ... sidere ... Venere (cf. rhyme-parallels under 6).

For the songs of Jupiter's amours, cf. also Peter's *Ep.* 76 (discussed above p. 197), and parallels listed under 8.

47. *Ver prope florigerum, flava Licori* (Au, C [fragm.], O). Ed. *MLREL* 2.374-8.

Abundant 4pp rhyme-lines throughout (vv. 12-13, 18-19, 34: 2 × 4pp).

v. 1 Lycoris (cf. 27, 4b; 32, 3) v. 5 iam iuxta garrulos lascivit rivulos (cf. 29, 2) v. 22 ploratam Orpheo reddis Euridicem (cf. 33) vv. 23-28 Sed digitis evagatis ... Medis et Persis impero (several close parallels in 20, 3 and 43, 4) v. 38 illecebris amoris (cf. 11, 16 illecebras amoris) vv. 45-46 Si lascivo more vivo, fame nitorem detero (cf. 27, Refr. Amor fame meritum deflorat; and the references to Peter's 'loss of fama' topos under 17) v. 52 tibi, Licori, milito (cf. 26, 1a Olim militaveram pompis huius seculi).

48. *Vitam duxi iocundam sub amore* (F). Ed. *MLREL* 2.394-6.

In each stanza, 2 × 4pp + 4pp + 3p.

v. 2 plus libitum quam licitum (cf. 7, 1; 46, vv. 21-22) v. 4 resipisco (cf. 7, 4 Volo resipiscere) v. 27 dum carpitur fructus Venereus (cf. 11, 1a; 26, 4a; 29, 4).

For the 'loss of *fama*' topos, see parallels under 17; for the 'times of life' topos, parallels under 2.

49. *Vite perditae* (B, F). Ed. *CB* 31.

Two 4pp rhyme-lines in each stanza.

1 Vite perditae (cf. Peter's *Ep.* 14, PL 207. 46C: Perditae vitae homines se laboribus torquent ...); ad vite vesperam (cf. 26, 1a circa vite vesperam) 3 perplexus ... amplexus ... sexus (cf. 40, 3 perplexus ... sexus ... amplexus) 4 siliqua porcorum (cf. 22, 3a) 5 Dum considero quid Dine contigerit (cf. 26, 4a Me deterret Dine raptus) 6 servus si serviero (cf. 40, 9 quod servus es servorum) 8 ni fugando fugiam (cf. the parallels under 6).

For the theme of repentance and resolution to amend, cf. 7, 18, 37, 40.

50. *Invehar in Venerem* (Vat. lat. 4389, s. XII, fol. 176v). Ed. *Zeitschrift für romanische Philologie* 50 (1930) 96-97.

Refrain after each half-strophe of the sequence (cf. 22, 27, 41, 45).

Refr.: two 4pp rhyme-lines; 3-4: 4pp rhyme-line; 5-6: four times 2 × 4pp rhyme-lines. With the form of the second half of 5-6 — 8pp + 2 × 4pp + 8pp + 2 × 4pp + 8pp + 4p — compare the refrain of 8: 2 × 4pp + 8pp + 2 × 4pp + 8pp; also 32, where the second half of each strophe is: 7p + 2 × 4pp + 7p + 2 × 4pp + 7p.

Refr. nam si venit, ut veneat (cf. 22, 2b; 49, 9) 1 Venerem ... veterem (cf. 16, 2); nisi resipiscat (cf. 7, 4; 48, v. 4) 3 Ab annis cepi teneris (cf. 11, 1a); teneris ... Veneris ... muto ... tributo (cf. 49, 7 Vie veteris immuto vestigia, ire Veneris refuto per devia) 5 Cur amo, si non amor? Satius est, ut amor ... (cf. 17, 2 Me spes ceca, claudus amor ... Amo quidem, sed non amor) 6 Amorem enim odio si finio, si vitio (cf. 47, vv. 17-19 inpresso celer basio Venerio, rem finio).

I have left the consideration of this lyric till last: like *Iam vere fere medio* (16), it occurs in the group of twelve poems (eleven lyrics, and a leonine distich) in Vat. lat. 4389, which were admirably edited by Bischoff in 1930. Bischoff showed that a number of the pieces were connected with the feast, or feasts, of the *baculus* at Chartres in the time of William of Champagne's episcopate (1165-1176). He also argued, however, that all twelve pieces were by a single author (pp. 77-78; see above, 50). This would entail (if my ascription of 16 and 50 is accepted) that a further ten pieces could be attributed to Peter of Blois. Nevertheless, in my view, none of the other Vatican pieces show the characteristics of diction, theme, form, rhythm or rhyme that have been outlined for the fifty poems listed above. On the contrary, their affinities are markedly with Walter

of Châtillon and his 'school': suffice to mention the use of macaronic French in a poem in goliardic stanzas satirizing the *curia* (Bischoff II), the use of goliardic stanzas *cum auctoritate* (Bischoff III), the theme of the *Giezita* and the word-play *cardinales/di carnales* (Bischoff IV). It is perhaps significant that, while Bischoff showed numerous links among his poems I-IX and XI, he was able to show *no* links between the two love-songs (X, XII — 16 and 50 in the list above) and his remaining ten pieces. Bischoff's dating of the *baculus* songs to the period 1165-1176, on the basis of names and allusions, would seem to me to make the attribution of these to Peter particularly problematic. For these dates circumscribe a period in which Peter was at least in his thirties, and perhaps had even passed the age of forty. That is, by then he must already have composed many, if not all, of his most brilliant and formally individual love-songs. Is it likely that after these he would have reverted to composing songs that were a mere pastiche of those of his friend Walter of Châtillon, in simple forms such as we find in I-VII in the Vatican collection? None of the poems we can attribute to Peter with any degree of certainty is formally unsophisticated. The distich VIII, a straightforward imitation of a distich by Hugh Primas (see Bischoff's parallel ad loc.) seems to me likewise unworthy of Peter. The more spirited poem IX, which also occurs in the later part of Ar, is again hampered by a somewhat monotonous use of an extremely simple strophic form over twenty-seven identical strophes; its satiric treatment of the *pontifex* owes much, in my view, to the song *De papa scholastico*, the irreverent Feast of Fools' piece composed perhaps half a century earlier by Abelard's pupil Hilarius (ed. J. J. Champollion-Figeac, no. XIV). Even if Peter, like most of his contemporaries, began to learn poetic composition by imitation, is it likely that in the period 1165-1176, at the height of his powers, he would have reverted to work not only derivative in techniques but insensitive to form? Nothing in the poems 1-50 listed above would suggest this. In the Vatican collection, apart from X and XII, only song XI (*Laudate, pueri*) has something of Peter's subtlety of form; it also includes several 4pp rhyme-lines (song V has one such rhyme-line in each strophe, but has none of Peter's habitual elegance). Yet the *language* of XI (as Bischoff himself noted in his apparatus) shows affinities with several famous phrases of Walter of Châtillon's, none with Peter's known lyrics. Provisionally, therefore, I would suggest that the remaining Vatican pieces should not be included in the canon of Peter's poetry.

51. (possibly) *Ni lavare laterem* (O): see above, n. 29.

52. *Mide regis vicio*. Dr. Rolf Köhn (University of Konstanz), who is preparing a monograph on Peter of Blois, has kindly drawn my attention to the following passage in a dialogue appended to the *Chronica regia Coloniensis* (ed. G. Waitz, MGH Script. rer. Germ. (Weimar, 1880), p. 321) — written entirely as prose; the verse arrangement is my own —

Isti (i.e. viri religiosi ... preterea clerici litterati) sunt et vos estis de quibus dictator ille egregius magister Petrus Blesensis archidiaconus dixit:

Mide regis vicio
 aures gerunt asini
 magni rerum domini,
 quibus adulatio
 palpat late patulas
 auriculas
 et humani bibulas
 favoris,
 ausi de se credere
 quicquid potest fingere
 vox adulatoris.

I see no reason to doubt the ascription to Peter: the rhythm and rhyme patterns (7pp lines rhyming with one another and with 4pp and 3p ones) are characteristic, and the manner and theme are close to the undoubtedly authentic *Quod amicus suggerit*.

APPENDIX B

Cambridge, Corpus Christi College 228, fol. 129r-v (s. XIII)*

1. <P>redantur oculis [pred *deleted*] captivant animum (ed. from Auxerre 243, *MLREL* 2.403-6 — line-references to this edition): 4 vultus et simplices visus Euridices C 5 annuos C 8-10 *om.* C 16 amatam C 17 flamis C *after* 20 nam misero sic vivitur dum debellatus animus ire sub hastam cogitur C (vv. 47-49 of *Ver prope florigerum* — see below) 21 Euridice C 23 perdat preces C 31 Sumpto C 34 Euridicen C.

2. *Ver prope florigerum* (ed. from Bodley Add. A. 44 and Auxerre 243, *MLREL* 2.374-8): vv. 47-49 only, interpolated in *Predantur oculis*, at the same place as in the Auxerre MS. (which also gives the complete song separately).

3. *Sonus Amantis in Vere* <D>e terre gremio (fragment of *Hyemale tempus, vale*, ed. from three other MSS. by A. Wilmart, *Mediaeval and Renaissance Studies* 4 (1958) 62-63 — stanza-references to this edition): 1-2 *om.* C 3, 2 regnum C 5, 5 calore C 6 *om.* C 7, 2 flos odoris C (*also placing* 7, 4-6 *before* 7, 1-3) 9, 2 oblectatus C 10, 5 nec C 12, 4 ingreditur C.

4. (Margin) *Conquestus de virgine corrupta* <E>x ungue primo teneram (ed. from Auxerre 243 and two versions in Paris, B.N. Lat. 3719, *MLREL* 2.378-80 — line-references to this edition): 1a 7 carperem C 8 pudor C 1b 2 pro

* For the remainder of this MS., see M. R. James's *Catalogue* (Cambridge, 1910), pp. 527-9. James's information concerning fol. 129r-v, however, is incomplete and not wholly accurate: of the songs, 1 is given as *Credantur oculis* ..., the interpolation 2 is not noticed, and 5 and 6 are likewise omitted, as James took them to be a part of 4. The *Summa operis* is not identified. I am indebted to my friend and former student Brian Stock for drawing my attention to the entry in James.

pretio C 3 vivus C 7 amiseras C 2a 4 ne C 2b 2 vincula C (*fol. 129v*) 3a 5, b5 *om.* C 3a 8 *om.* C 3b 3 studio C 3b 7-8 ad alterum et doleo C.

5. landus aure spiritus (ed. above, pp. 204-5).

6. <Q>uam velim virginum si detur optio (ed. from Auxerre 243 and B. L. Arundel 384 by A. Vernet, *Mélanges Félix Grat* 2. 263-4 — line-references to this edition): *after* 6 tam mea tam meus delitiosus amor delitiosa venus. C 7 lenitatis C 9 meam C 10 *om.* C (9 indicates refrain) 15 linea C 20 *om.* C (19 indicates refrain).

The six lyrics are followed by *Summa operis*: '<I>n huius operis primo libro qui megacosmus, id est, maior mundus, vocatur ...' (the summary of Bernardus Silvestris' *Cosmographia* [*De mundi universitate*], ed. C. S. Barach and J. Wrobel (Innsbruck, 1876), pp. 5-6, as far as 'genesis animantium et terre').

APPENDIX C

Olim militaveram and *Non carnis est sed spiritus*

A new text of these two songs of Peter's seems desirable, since the existing editions (PL 207. 1127-30 for the first and *Analecta hymnica* 21. 112 for the second), apart from printing several erroneous readings, fail to reflect the beautiful architectonics of rhythm and rhyme. It is not possible to see from the Migne text that *Olim militaveram* is a perfectly built classical sequence, nor did Dreves, editing *Non carnis*, notice that the unique MS. indicates a refrain after each half-strophe of the sequence — an unusual feature which we have seen (Appendix A) to be characteristic of Peter's sequences. For *Olim militaveram*, I offer a text based on four MSS. of *Ep.* 57 (on other MSS. of the letters, see above n. 61); for *Non carnis*, I give a critical text.

1a	Olim militaveram pompis huius seculi, quibus flores optuli mee iuventutis; pedem tamen retuli circa vite vesperam, nu<n>c daturus operam milicie virtutis.	1b	Carnis insolencia pugnat contra spiritum, nec metitur exitum vite temporalis — sed si iuxta meritum referuntur premia, misere stipendia mors erit immortalis.
2a	Diu carnem studui spiritui fame, siti, verbere subicere, nec potuit domari, nam addicta voluptati servitutis iugum pati detractat misera,	2b	Felix illa servitus que gemitus gehennales adimit et redimit de manu tribulantis: spondet mundus libertatem, dans peccandi facultatem, cuius delicias

- | | | | |
|----|--|----|---|
| | tunc demum libera
si sciret ancillari. | | fugaces fugias
et dolos adulantis. |
| 3a | Mundus et demonium
fidem sanxere mutuam,
fraudis ad consortium
carnem trahentes fatuam:
sic per proditorias
blandicias
insidias
procurant,
et in mortem anime
miserrime
nequissime
coniurant. | 3b | In fenestris capitis
occultant retiacula,
vibrant in absconditis
temptationum iacula;
servat hostis aditus
sollicitus
et exitus
explorat,
trahens hanc in publicum
que lubricum
sophisticum
ignorat. |
| 4a | Me deterret Dine raptus,
cuius forma Sichem captus,
dum affectat temere
violati carpere
primicias pudoris,
non est qui vim reprimat
vel oppresse redimat
obprobrium sororis. | 4b | Cessa, caro, lascivire,
quia dies instat ire:
non te mundus rapiat,
non te circumveniat
fraus spiritus inmundi —
nos hec vita deserit
et <ut> umbra preterit
huius figura mundi. |
| 5a | Nodos abrumpe veteres,
ut superes
hostis temptamenta, | 5b | Ne templum dei polluat,
aut destruat
Christi fundamenta. |

My basic MS. here has been British Library Cotton Vesp. E. XI (s. XIII), fol. 102vab. I have compared the (slightly less correct) text of the song in British Library Harley 325 (s. XIII), fol. 373rab, British Library Royal 8. F. XVII (s. XIII), fol. 80 rb-vb, and Cambridge UL Ff.V.46 (s. XIV), p. 206. With the help of these, three minor slips in the Cotton MS. could be corrected: 4a 2 *raptus*; 4b 1 *Celsa* (the Harley and Royal MSS. have *Cesa*, Cambridge *Cessa*); 4b 7 *et umbra*.

2a 2 *subdere spiritui Migne* (against rhythm) 2b 2-3 *Quae gehennales gemitus Migne* (against rhythm) 3b 3 *Sed vibrant Migne* (against rhythm) 4a 4 *carpere: sic MSS., capere Migne*.

*

De prodigo filio penitente et ad patrem revertente

- | | | | |
|----|---|----|--|
| 1a | Non carnis est sed spiritus
hoc meum natalicium:
per carnem prius editus,
collapsus sum in vicium
et puteum interitus;
nunc vere vite redditus
feror ad matris gremium,
sollempne duco gaudium
hoc gratie natali: | 1b | Ut penitus me comperi
mortis hausisse poculum,
misertus pater miseri
solvit peccati vinculum,
mundans a sorde veteri,
deditque dives pauperi
stolam primam et anulum
in fidei signaculum
et veniam reatus, |
|----|---|----|--|

me pater vocat filium
et ducit ad convivium
in veste nuptiali.

Repetitio De successu glorior,
solito liberior,
solutus a tributo,
levor et excutior
a paleis et luto.

et saginatum vitulum
dat dulce pater epulum,
quo vivo recreatus.

De successu <glorior> ...

2a Cum in honore fueram
non intellexeram
que vite foret ratio,
sed aïo:
'A patre detur filio
que me contingit portio!'
Quam postquam obtinu<e>ram,
mentis quam dedit liberam
abusus sum arbitrio:
me turpem omni vicio
expositum
et deditum
longinqua cepit regio.

De successu glorior ...

3a Ara porcorum fetida
gregem immundum pavi,
fame compulsus valida
me siliquis cibavi —
nec minus esurio
dum cum porcis capio
pastum leguminis,
sed me porriginis
ulcerat transitio;
nunc cuncta secatur valida
dextra medentis vivida
cui me subiugavi.

De successu glor<ior> ...

2b Quam prius demerueram
agendo perperam
ad veniam devenio —
nunc sentio,
regressus ab exilio,
que patri misratio:
plus reddit quam amiseram,
sed per excelsi dexteram
hec facta est mutatio,
cuius est operatio
quod humiles
ac debiles
in regum locat solio.

De successu glorior ...

3b Audivit frater emulus
simphoniam et chorum,
cuius est nequam oculus
de gratia donorum:
egre fert quod veniam
ad misericordiam
superni numinis,
quod sui seminis
fructus usu capiam.
In ius hereditarium
resignat pater filium
in sede beatorum.

De successu glorior ...

The MS. (British Library Add. 15722, fols. 49v-50) is of the first quarter of the thirteenth century, its provenance is Cîteaux (cf. M.-Th. d'Alverny, *Mélanges offerts au Père Henri de Lubac* 2 [Paris, 1964], pp. 123-4).

2b 13 in regum: sic MS., regnum *Dreves* (corr. regum) 3a 3 valida: sic MS., rabida *Dreves* (possible as emendation — cf. 3a 10 — but not indicated as such).

Peter's recreation of the parable contains many hints towards figural, tropological and anagogical interpretation: cf. *Glossa Ordinaria*, *Evang. Luc.* 15.11-30 (PL 114. 311D-314B).

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PEASANT POWER STRUCTURES IN FOURTEENTH-CENTURY KING'S RIPTON

Anne DeWindt

IN 1275 seventeen villagers from the ancient demesne village of King's Ripton in Huntingdonshire brazenly called their own landlord, the abbot of Ramsey, into the royal courts. Maitland dismissed the incident by noting the apparent defeat of the plaintiffs in what seemed to be an entirely predictable manner.¹ However, new evidence casting doubt on the ease with which Maitland dismissed the case as one more instance of feudal oppression allows a fresh perspective on the village society that produced the protest. For this evidence reveals a broad spectrum of activity in the village that had little or nothing to do with that landlord-tenant relationship which has too often been assumed to have been the single most crucial factor shaping the peasant's life.

The purpose of this paper will be first to re-examine the 1275 court case in light of the new tenurial information found in an unedited 1279 Hundred Roll,² and then to present court roll evidence from this ancient demesne village in an effort to describe local customs and to identify the village inhabitants and their varied activities during the 120 years following the court case.³

¹ The court case is printed, translated and discussed by F. M. Maitland, ed., *Select Pleas in Manorial and Other Seignorial Courts*, Selden Society 2, 1 (London, 1888), pp. 100-104.

² Public Record Office, SC 12, Port. 8, no. 56 (hereafter cited as PRO).

³ It may be noted that enough research has been done on several Hunts. villages and their social structures and local customs to establish that these are comparable with the ancient demesne village of King's Ripton, although tenurial detail is unique to King's Ripton alone. Cf. J. A. Raftis, 'Changes in an English Village after the Black Death', *Mediaeval Studies* 29 (1967) 158-77; idem, 'The Concentration of Responsibility in Five East Midland Villages', *Economic History Review*, 2nd Ser., 18 (1965) 83-100; idem, *Warboys: Two Hundred Years in the Life of an English Village* (Toronto, 1974); E. B. DeWindt, *Land and People in Holywell-cum-Needingworth* (Toronto, 1972); Ellen Wedemeyer, 'Social Groupings at the Fair of St. Ives, 1275-1302', *Mediaeval Studies* 32 (1970) 27-59; E. J. Britton, *Broughton 1288-1340: A Mediaeval Village Community* (Diss. Toronto, 1973); P. M. Hogan, *Wistow: A Social and Economic Reconstruction in the Thirteenth and Fourteenth Centuries* (Diss. Toronto, 1971).

I

As tenants of ancient demesne, the peasants of King's Ripton have been singled out by contemporary and modern legal historians as men of special status. They had access to the royal courts through two writs and thus could air their grievances before the King's Bench. Recent historians have emphasized the presumed importance of such legal status while at the same time assuming that disputes resulting from this access to royal courts almost always resulted in the defeat of the tenant-plaintiffs. Hundred Roll evidence and, more importantly, local court roll evidence suggest just the opposite. Perhaps ancient demesne status in fact made little real difference to the inhabitants of King's Ripton and to their way of life, and their court dispute may not reflect total defeat in what was really a very complex dispute with their abbot-landlord.

The villagers' dispute with their landlord concerned the abbot's right to collect rent in the form of labor services for lands they held in King's Ripton. The villagers seemingly lost their case when the defendant claimed that labor services had been customarily received for these lands in the past. And, indeed, the 1250 manorial extent for King's Ripton⁴ records that all but one village tenement owed labor services. Why, then, did these men initiate their protest? Certainly they were aware of the fact that their own fathers and grandfathers had rendered such labor services and that the voice of custom spoke loudly and authoritatively to the English royal justices.

The tendency has been to assign economic hardship as the most likely spur to such protest actions on the part of the peasants. For instance, Rodney Hilton has assumed that economic exploitation by the ruling classes was the primary reason for numerous medieval disputes such as this one.⁵ However, from the evidence provided in the unpublished King's Ripton Hundred Roll, it is clear that the instigators of the King's Ripton court case were in fact the largest landholders in the village, and many represented families whose members will be seen to have played active roles in the village administration. As was found to be the case with many of the peasant leaders of the 1381 Revolt,⁶ the King's Ripton

⁴ W. H. Hart and P. A. Lyons, eds., *Cartularium monasterii de Ramesia*, R. S. 79, 1 (London, 1893), p. 397.

⁵ 'Peasant Movements in England before 1381', *Economic History Review*, 2nd Ser., 2 (1949) 117-36.

⁶ A. Reville, *Le soulèvement des travailleurs d'Angleterre en 1381* (Paris, 1898); see also R. Hilton and H. Fagan, *The English Rising of 1381* (London, 1954).

protesters were men of substance and influence. They were not desperate men, nor were they rabble clinging to the fringes of the village society and economy.

By 1279 some of these court plaintiffs had in fact gained what the court case appeared to have denied them. They did not owe any labor services for their land, but paid only money rents. The following is a list of the instigators of the *coram rege* court case (when information from the 1279 Hundred Roll reveals the tenurial contracts of these men, their holdings and rental obligations are also noted): Reginald Stalker, Hugo son of John (one virgate⁷ and one-half rod of meadow jointly with four sisters for two shillings rent, relief, leyrwite, and suit at court; no work services); John Stalker (one virgate for work services and twenty-five pence, and one virgate and one rod of meadow which owe only two shillings, leyrwite, and relief); Simon Eyr (one-half virgate without labor services on terms such as those of John Stalker's second virgate; also another one-half virgate with labor services); Ralph Ryp-ton (one-half virgate with services, plus payment of 12 1/2 pence); Hugo the son of Bartholomew (one-half virgate with services and rent as above, and one rod of meadow for two shillings); Nicholas of Boclande, John in the Hirne (one-half virgate with services and 12 1/2 pence); Hugo Russel, Ivo son of Walter (one-half virgate with services and 12 1/2 pence); William Ramsey (one-half virgate as above); Brytwold son of Henry (one-third virgate with services and one third of twenty-five pence); Nicholus son of Hugo (one-half virgate for services and 12 1/2 pence); Stephan son of Robert (one-third virgate as Brytwold son of Henry and one-third virgate similarly); Thomas son of Humphrey ('Umfridus' held one-half virgate in the 1250 extent for services and 12 1/2 pence); Nicholas son of John (two-thirds virgate for services and two thirds of twenty-five pence); Thomas son of Simon (one-half virgate with no services and one shilling rent, and one-half virgate for services and 12 1/2 pence). Thus, most of the court plaintiffs held anywhere from one-half virgate to two virgates of land and represented the largest landholders of the village. Five of the men held at least part of their lands in return for money rents alone.

If the protest movement did not arise out of the desperation of a marginal village group, then did it reflect the concern of the larger landholders over a recent increase in total rental demands on the part of the abbot? One could argue that as the larger landholders of the

⁷ The virgate in King's Ripton equaled twenty-four acres, as stated in the extent.

village, these men would have had a particular interest in fighting rent increases, and that they would certainly have felt the burden of any increased rent demands. However, it is apparent that there was little, if any, increase in rent obligations due the abbey between the time of the 1250 extent and the 1275 court case or the 1279 Hundred Roll assessment. The labor services outlined in the 1250 extent, the 1275 court case decision and the 1279 Hundred Roll for holdings in customary tenure were identical. The court decision did include mention of relief, merchet and leyrwite fines that were not mentioned in the extent, as well as fees for the use of common meadow and a tax on pigs, but merchet and relief were contested in the 1275 court case, and the peasants admit that these had been collected from the time of Henry I. If the leyrwite fines or taxes on meadow and pigs were new by 1275, the peasants do not mention such taxes specifically in their complaint.

On the other hand, there appears to have been an increased number of virgates held free of labor services in 1279 over what there had been in 1250. In 1250, 21 1/2 virgates were held by *custumarii*, three virgates and one acre were held free of work services, and three crofts and one rod were held by *coterelli*. In 1279, however, only 14 1/2 virgates plus over ten rods of meadow were held by *custumarii* and a total of nine virgates plus three acres and 1 1/2 rods of meadow were held free of work services. Three messuages and 1 1/2 acres were held by *coterelli*. Thus, of the total virgate assessment in the 1250 extent, including 24 1/2 virgates, by 1279 six virgates had been switched from tenements owing work services to those owing only money rents.

There were only four more tenants listed in 1279 than in 1250, but the number of tenements free of work services jumped from one to twelve. In 1250 there was only one free tenement of two virgates, and one other virgate was held free of work services by the village parson. By 1279 nine virgates free of work services were held by a total of thirteen individuals including the parson. The only services owed for this land were *redemptiones*, *leyrwite*, *relevium*, and *secta curiae*. There were five more *custumarii* by 1279, but several of these were the same individuals who also held other lands free of work services. In other words, by 1279, the thirty-eight 'tenants-in-chief' of King's Ripton were distributed as follows: three held land entirely free of labor services, twenty-one held land requiring labor services, and ten held lands of both types. Three remaining tenants were *coterelli*.

It would be apparent, therefore, that one cannot assume that the peasants initiated the 1275 court case out of a desperate economic situation representing a retrogression in contractual standing with their

landlord, for the tenorial information in the extent and Hundred Roll discredits such a conclusion.

At the same time, it is difficult to understand why the peasants would have taken such an extreme and seemingly radical position in their demands. They denied obligations to all work services and offered in return only a slight increase in monetary rent payments, payments which would equal approximately the then current rate on freehold land — five shillings per virgate.⁸ In other words, the peasants seem to have been making a radical claim to what amounted to universal freehold tenure in the village. And yet, judging from the 1250 extent, the peasants must have been accustomed to performing labor services for parts of the village land for at least three generations prior to the dispute.

The formation of freehold land from what was formerly customary tenure usually involved payment of a fee, even when the lord was willing to release parts of his lands in this manner.⁹ Certainly the King's Ripton villagers were aware of this fact, and it is hard to believe that they considered their radical claims at all viable. Were the peasants making exaggerated demands in the royal court in hopes of eventually arriving at a compromise with the abbot? Were they caught up in the spirit of the age of *Quo warranto* where rights and obligations were being challenged and redefined in many aspects of English life, and was this so clearly an age of litigation that all men, even the peasants, hoped to gain a decision or two in their favor?

This latter point is a possible explanation for the court action, of course, but it is admittedly difficult to understand the psychology of a people who leave behind no personal biographical records for this period. Since documents of any kind are especially scarce in this one instance, perhaps it is impossible to arrive at a certain understanding of the motivations involved.

The only workable clue lies in the apparent relaxation of work service obligations for certain tenements between the creation of the 1250

⁸ The rent assessed per virgate on customary land by the extent and the Hundred Roll was 2 s. 1 d. The one freehold of two virgates in the extent rented for 11 s. Virgates free of labor services in the Hundred Roll rented for 2 s. For other freehold Ramsey rents, see the Cartulary, vol. 1.

⁹ See J. A. Raftis, *The Estates of Ramsey Abbey* (Toronto, 1957), p. 106, for examples of such arrangements. The plaintiffs admitted that the abbot had been in seisin of work services 'from time whereof the writ of right runneth not' (Maitland, *Select Pleas* 1. 101). The commutation of labor services was a periodic response by the abbey to cyclical economic factors throughout the Middle Ages, but the fact remains that work services were always an important source of income for the landlord, in whatever form they were collected. See Raftis, *Estates*, pp. 222 ff.

extent and the 1279 Hundred Roll. Five of the court plaintiffs held at least part of their lands free from work services in 1279. Perhaps they had held their lands by the same arrangements in 1275 as well, and were hoping by means of the court case to maintain or even extend a recent relaxation of services to other lands in the village. The remaining plaintiffs would then have been working for a share in the new contract by joining the case.

There is also a possibility that the abbey had tried to reverse this trend during the period immediately prior to the court case, and that the abbot was making attempts to reclaim the lapsed labor services. Such tendencies were not foreign to several other thirteenth-century Ramsey manors.¹⁰

For men like Thomas son of Simon, Simon Eyr, or John Stalker, who owed work services for half their lands and owed only money rents for the other half, pressure from the abbot's representatives on the manor for the resumption of work services could have been a real inconvenience, to say the least.¹¹ In addition, it may be that a large fine or sale price had been collected by the abbot from the tenants between 1250 and 1275 to ensure the abolition of labor services from these six virgates. Similar arrangements were made on other Ramsey estates.¹² The six virgates which owed only money rents in 1279 did not experience an increase in money rents to compensate for the loss of labor services, for example in the form of regular commutation fees, nor did they pay a rent comparable even to that rent assessed on the freeholding of 1250. These tenements, apparently newly freed from labor service obligations, paid only two shillings rent in 1279.¹³ The free tene-

¹⁰ On the abbey practice of 'pursuing both freeman and villein for the alienation of services', see Raftis, *Estates*, pp. 107 ff.

¹¹ Wages to farm laborers may have increased during this period, making it more expensive for both abbot and peasant to hire labor. See Raftis, *Estates*, table 45, p. 204. M. M. Postan has noted wage increases by the beginning of the fourteenth century (*The Cambridge Economic History of Europe*, 2nd ed., 1 (Cambridge, 1966), pp. 608-609).

¹² See Raftis, *Estates*, pp. 106 ff.: 'Some of these leases were no doubt arranged for a substantial fine rather than an increase in the annual rent. Such would be the case with the twenty-four acres held by Roland in Brancaster for 4 s. 2 d., the same rent as his fellow tenants paid, but Roland owes no works, though the inquisitors only note that "his father was always *ad opera*...".'

¹³ It may be, however, that the Hundred Rolls are mistaken, and that these six virgates freed from work services paid 25 d. rent, as did those owing work services. Evidence from the account rolls of 1251 and 1298 reveals no change in the *redditus assisus*. If, indeed, only 2 s. instead of 2 s. 1 d. were collected for these six virgates by 1279, one would expect a drop in the rent income by the 1298 account roll. The 1251 rent total (British Library Add. MS. 34903) was 58 s. 2 d. The 1298 rent total (PRO, SC 6, Port. 882, no. 25.), including defaults, was 58 s. 2 d.

ment of 1250 paid 5 1/2 shillings per virgate, and the customary virgates of 1279 which rendered labor services as well paid twenty-five pence rent.

In view of this fairly recent revolution in village rental arrangements, which must have occurred sometime after 1250, it seems probable that the peasants had reached some prior agreement with the abbot to reduce the rental obligations on this land, an agreement which does not survive in written form, but which was perhaps arranged in return for the payment of a fee or by a series of leases from the peasants concerned. Perhaps the peasants were subsequently put under pressure by local manorial administrators, with or without instructions from the abbey, to revive labor services from lands that had been formerly freed from such obligations by that agreement. The peasants' litigation in the royal courts could thus have been an effort on their part to withstand abbey attempts in this direction with regard to the six virgates of newly freed land. The court case would therefore have been an understandable response on the part of the villagers; they made a blanket claim to what amounted to free tenure in order to force a redefinition in court of their previous contract with the abbot.

Nonetheless, it appears that the court case did not annul or negate all changes in tenurial practice made since 1250, because in 1279 the six virgates were listed in the Hundred Roll as freed from work services.¹⁴ The court case decision does reiterate the services listed in the 1250 extent, but there is no indication in the decision as to how many virgates in the village did in reality owe all of these services. The 1279 Hundred Roll indicates that, in fact, six virgates did not owe services. The peasants may, therefore, have won a very specific dispute with the abbot. They apparently emerged from the legal battle of 1275 with six more virgates freed from work services than had been in 1250.

In any case, a decisive answer to the problem of whether or not the peasants 'won' or 'lost' their legal battle with Ramsey is clearly not possible. Whether or not the peasants 'won' is perhaps not as important as the clear indication that the peasants had the local organization and legal expertise to push their cause in the first place. Their knowledge of the particular historical position of the village as former royal demesne, as well as their knowledge of the incumbent

¹⁴ The 1279 Hundred Roll lists 23 1/2 virgates whereas the total in the 1250 extent was 24 1/2. Regarding similar irregularities in the Hundred Rolls, see E. A. Kosminsky, *Studies in the Agrarian History of England* (Oxford, 1956), p. 28, n. 2, and E. B. DeWindt, *Holywell*, p. 38, n. 71.

rights of its tenants to the writ *Monstraverunt*, indicates a high degree of local self-consciousness and a real sense of historical continuity.¹⁵ Thus, the court case provides the earliest documentary evidence of villagers involved in joint action initiated as expression of their own ambitions and purposes.¹⁶ Since it precedes the first surviving village court rolls,¹⁷ the only earlier document of use for this study is the manorial extent of 1250 in which the peasants are little more than ciphers in the abbot's bookkeeping system.

On a more practical level, the presence of the seventeen King's Ripton peasants at a royal court reflects a background of community living and co-operation; for writs cost money, and this particular writ, *Monstraverunt*, was not inexpensive. A century earlier, during the reign of Henry II, the least expensive writs were priced from one to two marks.¹⁸ Consequently, the peasants not only needed experience and legal knowledge to initiate a court case, but also organizational ability to collect money for the writ and then to prepare common strategy. Whether or not the 17 King's Ripton peasants truly represented all the virgators or semi-virgators of their village in a common cause against the abbot, they must have called upon years of experience in mutual co-operation to create and pursue their common cause in the royal courts.

Furthermore, the common law writs available to the ancient demesne tenants of King's Ripton referred the plaintiffs and defendant in the end to local custom as final arbiter. In 1275 the abbot and his tenants were thrown back into the jurisdiction of local custom.¹⁹ By revealing its great significance in such legal disputes, the court case of 1275 necessarily directs the historian's investigation of the villagers of King's Ripton to a search for this custom. Just as the royal writs ordered disputes over labor services or property rights to seek satisfaction within the context of local customary procedure, so there, too, must the historian seek his understanding of the village and its inhabitants. King's Ripton's ancient demesne status and the royal court case made

¹⁵ The writ *Monstraverunt* was used to appeal tenurial contract disputes. See F. Pollock and F. W. Maitland, *History of English Law before the Time of Edward I* 1 (Cambridge, 1898), p. 388.

¹⁶ For discussion of peasant culture in a broader context see Robert Redfield, *The Little Community and Peasant Society and Culture* (Chicago, 1963) and Eric R. Wolf, *Peasants* (Englewood Cliffs, N.J., 1966).

¹⁷ The court case is dated 29 September 1275, and the first court roll surviving from King's Ripton is dated 1279.

¹⁸ Van Caenegam, *Royal Writs in England from the Conquest to Glanvill* (London, 1959), pp. 168-76.

¹⁹ For the precise wording of the writ, see Pollock and Maitland, *History* 1.388.

possible by this legal privilege have already demonstrated the importance of the local village court rolls.

No less than fifty-eight of these court rolls dating from 1279 to 1456 have survived, and they have provided the bulk of the information available on the villagers. The nature and variety of the information in the rolls allow the historian to look into a myriad of relationships and activities at best only briefly hinted at in the court case alone. For instance, eleven of the seventeen personal names appearing as plaintiffs in the royal court case can also be found frequently in the village court rolls. One's attention is thereby focused on the day to day activities and responsibilities of village life and on the various relationships among the peasants themselves apart from the strictly manorial tenurial relationships between the peasants and their landlord.

II

It is apparent that the men who led the 1275 court case against the abbot represented a group of village families who took a dominant role in local leadership.²⁰ John in the Hirne, William Ramsey, Thomas son of Simon, John and Reginald Stalker, and Brytwold son of Henry represented families whose numerous members were among the most active individuals in the village over periods of from 100 to 170 years. They held large plots of land in the village, were active in the local peasant land market, their women were ale brewers, and many of them performed leading roles as jurors and pledges in the village administration.

I should now like to examine in their leadership roles as village administrators this group of twenty-six families. Such a study requires first the analysis of village administrative institutions and then a close investigation of those villagers distinguished by their characteristically active participation in local leadership.

²⁰ Individual and family names from King's Ripton also appear among the jurors of Hirstingstone Hundred in the feudal aids inquisitions of 1303 and 1428. See *Inquisitions and Assessments Relating to Feudal Aids with Other Analogous Documents Preserved in the Public Record Office, 1284-1431*, 2 vols. (London, 1900). Mentioned in 1303 are Radulphus Noreys, Ivo Hirst, Johannes de Broughton, Walter de Deen, Johannes de Deen, Johannes Aspelon and Johannes Ballard, all active in the King's Ripton court rolls. Mentioned in 1428 are Thomas Ramsey, Johannes Andrew, Robert Wright, and John Boner, all active in King's Ripton at that time. Furthermore, the testimony of several villagers was used in the *Inquisitiones Nonarum* for King's Ripton in 14 Edward III (Record Commission, 1807), i.e. '... sicut compertum est per sacramentum Johannis de Deen, Nicholi filii Thome, Johannis William, Johannis Stalker, Thome filii Rogeri, Johannis filii Thome, Johannis Palmer, Nicholi Wryghte, Johannis filii Radulphi, Johannis Waryn, Johannis Chanterel, et Philipi de Kenlawe...'.
 .

Perhaps the most important institution of local government was the jury. A group of twelve jurors determined the facts behind local disputes and decided the cases based on these facts and on the customs of the village. They consequently presented the offender in the tri-weekly village court sessions where he was fined.²¹ The jurors were the voice of the community in maintaining village bylaws, settling personal trespass and assault disputes, maintaining the policing institutions of the tithing and hue and cry, and settling inheritance claims. They also helped enforce the villagers' manorial obligations by reporting work defaults, vacant tenements, or defaulted license fees.²²

The jurors' functions are clearly revealed in the wording of the majority of the cases recorded in the court rolls. For example, many entries begin with the phrase 'Jurati dicunt quod ...', indicating that the facts of the case had been decided by the jury prior to the court session and were afterwards presented to the court and recorded in the rolls along with the verdict and the resulting fine. It would be interesting to have more details concerning the actual operation of such fact-finding and judgement-making activities on the part of the jurors. It seems probable that reliance on local eye witnesses and the use of oath helpers by the plaintiff and the accused were important, to judge from the few specific court roll references to court procedures and from general medieval judicial practices, but there survives no completely satisfying evidence of the jurors' extra curial activities.²³

Some further indications of the jurors' responsibilities are revealed in certain court entries where the jury as a group was penalized by the court for default. For instance, in 1279 the jury was fined for concealing the fact that William Cherl and his wife were in the village without having associated themselves with a tithing group.²⁴ In 1294 the

²¹ The use of a local jury had a long history by this time. See D. Whitelock, *The Beginnings of English Society* (Baltimore, 1952). Miss Whitelock (p. 147) cites a quotation from the law code of Ethelred the Unready: 'An assembly is to be held in each wapentake, and the twelve leading thanes and with them the reeve are to go out and swear on the relics which are placed in their hands that they will accuse no guiltless man nor conceal any guilty one, and they are to arrest the men frequently accused, who are at issue with the reeve.'

²² For evidence of the survival of the village jury in England and New England into the seventeenth century, see Sumner Chilton Powell, *Puritan Village, The Formation of a New England Town* (New York, 1965), pp. 14, 53 ff., 127 f.

²³ One defendant put himself *ad legem* in 1297 (PRO, SC 2, Port. 179, no. 9): '... Et praedictus Ivo presens defendit totum ius etc. et est ad legem. plegii legis Nicholaus filius Johannis in Angulo et Henricus filius Simonis.' On the wager of law, see George Homans, *English Villagers of the Thirteenth Century* (Cambridge, 1942), p. 314.

²⁴ British Library Add. MS. 39595. For a list of the King's Ripton court rolls and their manuscript numbers, see J. A. Rafus, *Tenure and Mobility* (Toronto, 1964), pp. 294-5.

jury, along with the whole village, was fined for failure to respond to a hue and cry.²⁵ The jury was ultimately responsible for the maintenance of local policing institutions,²⁶ and the jurors must have been occupied with their duties continually during the year, and not only during the court sessions. It would seem probable that the great amount of fact-finding and general policing required of them demanded a respectable investment of time and effort. The jurors probably served terms of one year, but the court rolls provide no direct evidence as to the method of their selection.²⁷ It seems likely that they were chosen by the villagers, and George C. Homans writes of the village of Halsowen in Worcester-shire:

Just as the villeins were subject as a body to common fines, which they assessed among themselves, so also ... they elected from among their number certain manorial officers and named the jurors of the manorial courts.²⁸

The jurors held important positions as spokesmen for the community and their effectiveness must have depended on the trust and confidence they were able to inspire in their fellow villagers.²⁹

Some historians have felt that only villeins acted as jurors, and that freemen excused themselves from the obligation to serve on the basis of their status. There were no freemen listed separately from the customary tenants in the Hundred Roll of King's Ripton in 1279, but Thomas Aspelon 'of Broughton, *liber*' served on the jury in King's Ripton in 1299, 1301 and 1306.³⁰ Furthermore, there were several men who held parts of their lands free from work services and who did at the same time serve often on the jury;³¹ but the evidence from King's Ripton

²⁵ British Library Add. MS. 34597. There follow six similar cases in the same roll. Another entry in 1322 (British Library Add. MS. 39467) fines the jury one-half mark for concealment of a hue justly raised.

²⁶ In 1322 the jury was fined for failure to see that a trespass was amended by Walter of Shenynghdon indicating that these twelve men were responsible for maintaining certain bylaw regulations as well. In 1332 the jury was also fined for failure to present the default of John Den.

²⁷ The lists of jurors for 1365 and 1366 and 1394 and 1395 are not identical, even though many men did serve two years in a row.

²⁸ *English Villagers*, p. 238.

²⁹ The word *electus* is used in several instances (1297, 1384, 1419, 1422), noting the appointment of tasters, but the term is perhaps too vague to reveal the procedure involved. More specific is an entry from 1411 referring to the bailiff: 'Willelmus Mayhew electus est ad officium ballivi per totum homagium et juratus.'

³⁰ PRO, SC 2, Port. 179, nos. 10, 11 and 12.

³¹ Thomas Simon, John Stalker, and Simon Eyr.

neither confirms nor denies the proposition that jury service ultimately depended on one's tenurial or legal status.

Homans discovered in several English villages what he called 'an aristocracy of jurymen'.³² Similarly, in King's Ripton there is a group of men in each decade who served consistently on the jury, but these villagers did not form a closed group which monopolized the duties of the jury. In fact, there is a high rate of turnover among the jurors as the fourteenth century progresses, and a fair proportion of the total village population was represented on the jury. Between 1279 and 1456, 150 men served at least once from a total adult male population mentioned in the rolls of some 787. The jurors thus represented about nineteen per cent of the adult male population cited in the records. The 150 individual jurors appearing in the rolls represented seventy-one of the village's 273 family names in the rolls, or about twenty-six per cent of the recorded village families.³³ In the series of court records between 1294 and 1456, the turnover among the jurors is such that fifteen to twenty new names appear on the jurors' lists every nine to eleven years. With this series of new names appearing regularly, the period 1390 to 1456 produced a completely new set of jurors with only five surnames surviving from the period 1279 to 1367.

Nonetheless, there is no doubt that there lived in the village a characteristically active group of families who contributed a noticeable force to the ranks of the jury over the years. Almost two thirds of the jurors served in that capacity more than once during the course of their careers, and more than one half of the jurors came from families which contributed from three to nine members to the jury. To be more specific, of the 150 jurors cited in the rolls between 1270 and 1456, fifty-six served only once, whereas twenty-four served twice, nineteen served three times, twenty served four times, thirteen served five times, five served six times, seven men served seven times, and six men served between eight and eleven times. Andrew Balle, John Balle junior and senior, and Richard Balle all served on the jury during the latter part of the fourteenth century. Nicholas and William Newman both served at the very beginning of the century, and five men with the surname Simon served between 1279 and 1348. A John Stalker is represented on the jury for a total of twelve times between 1279 and 1367. Six Palmers

³² *English Villagers*, p. 312.

³³ In contrast to the fifty-one per cent of local families represented on the Holywell juries (E. B. DeWindt, *Land and People*, p. 213).

served between 1279 and 1367, two Kellawes between 1297 and 1332, four Attewolds from 1351 to 1396, and two Ivessons between 1351 and 1390.

To summarize: thirty-nine families produced a single juror, thirteen families produced two jurors, six families produced three jurors, five families produced four jurors, four families produced five jurors, one family produced six jurors, two families produced seven jurors, and one family even supplied nine. Village administration indeed became a family habit in many cases. The men themselves probably were more willing to serve as they became better acquainted with their duties through experience, and the villagers were most likely satisfied to have available a group of qualified men whose continued activity trained them well for the job and who were willing and able to contribute their time and expertise to the community. During the more stable periods of the village's demographic history especially, most jurors came from fairly long standing families in the village and had other relatives also active in the administration. At more critical periods, the villagers were not as fortunate, and had to be satisfied with the services of whoever could be persuaded to take the job.

For instance, most of the jurors who served during the period 1300 to 1312 came from families whose presence in the village had been apparent seven to sixty-five years previously. Only two men appeared on the jury for their first appearances in the rolls,³⁴ and two others appeared on the jury after only one previous appearance in the village records.³⁵ For the period 1316 to 1333, most of the jurors came from families with a local history of twenty to eighty-two years duration. The pattern of stability continues for the period of the Black Death and afterwards, between 1348 and 1367, when most of the jurors' families date back fifteen to 100 years in the village rolls. But there were also three newcomers on the jury lists whose first appearances in the village rolls were in the office of juror,³⁶ and one man appeared whose service on the jury began after a short family history in the village of only three years.³⁷

³⁴ Bartholomew son of Brice in 1299, and Robert Ivel in 1294.

³⁵ John son of William, 1294, and Waryn Gilbert, 1292.

³⁶ Thomas Michel in 1350, John Hadenham in 1356, and John atte Hyth in 1356.

³⁷ Andrew Balle in 1347. One might expect the Black Death to have weakened the administrative families with long histories in the village to such an extent that they were unable to provide jurors, but the rolls reveal otherwise. Twenty-four of the twenty-eight jurors who served between 1348 and 1367 came from families well established in the village for one, two or three generations before the Black Death.

It is the period between 1385 and 1397 that experienced the greatest turnover among the jurors. There were nine new family names introduced on the jury, and in each case the new juror served immediately as his first recorded activity in the village. One other juror came from a family only ten years in the village. The other twelve jurors follow the older pattern; their family names had been present in the village for thirty-seven to 140 years. Thus, by the end of the fourteenth century, the jury as an institution reflects the effects of the demographic decline and upheaval begun in the 1330's and accelerated at the time of the Black Death, and the village had to rely increasingly on more recent newcomers to fulfill the important obligations of the jurors. One could be tempted to point to the relative increase in trespass violations and assault cases during this later period as demonstration of the difficulties complicated perhaps by a more inexperienced village leadership.³⁸

In the fifteenth century several surnames new to the jury appear in the jury lists at an interval of seven to eight years, but by far the majority of the individuals who appear on the lists for the first time are members of families which only recently, or simultaneously, had provided other jurors. By this time the jury seems more firmly entrenched in the hands of four to five influential families. Consistency of service is the overriding factor here; seven of the men on the jury of 1419 are the same as served in 1411 and three of these same seven are still to be found in the jury list of 1434. As far as the early fifteenth century is concerned, then, this is an era of marked stability for the local village administration.

Activity on the jury, however, is not the only characteristic that distinguished certain families as a group from other villagers. The men who served as jurors for the community were further characterized by activity in various administrative and supervisory positions in the village community. For instance, of all forty-four ale tasters who are mentioned by name in the court rolls only two did not serve at one time or another as a juror; twenty-six of the tasters were jurors during the same year they served as ale tasters. The two official responsibilities called upon basically the same group of men, and the duties of the tasters, if perhaps more pleasurable, were probably not less demanding than

³⁸ For a discussion of the changes in King's Ripton following the Black Death see A. R. DeWindt, *Society and Change in a Fourteenth-Century English Village: King's Ripton 1250-1400* (Diss. Toronto, 1972).

those of the jurors. Two tasters, who served for a term of one year, supervised the brewing of ale to ensure that fair measures were used and that the proper quality brew was sold for a fair price. As the tasters are the only plaintiffs mentioned in these ale cases, it appears that they must have been responsible for regular rounds of inspection.³⁹

The same group of village families also supplied manpower for other official village duties. Of the men who provided jury service for the village, eleven also served as custodians of the autumn harvest. Such officers apparently watched over the villagers' activities during this extremely busy time of year to enforce the village bylaws and to ensure as much harmony as possible among neighboring harvesters. One can only guess the exact function of the office from the name itself, for the rolls provide merely lists of the men designated as custodians, and there are no presentments made that were forwarded specifically by them.⁴⁰ For the village of King's Ripton there survive only two rolls which make any mention of the custodians; in the rolls of 1303 and 1293 six men and eight men respectively are mentioned as holders of the office. Whether this was a lifetime appointment or whether the men were chosen annually is still a moot point. In any case, all the custodians mentioned in the rolls were chosen from the same group of men who served as jurors, and five of them also served as tasters. Again, they did not seem incapable of handling two official duties during the same year, for five men who were custodians in 1292 were also serving on the jury at the same time. This is not to say that a man was required to have been a juror in order to be considered for the office of taster or custodian, or vice versa, but it appears that the village's supply of qualified and willing officials provided a natural source for all types of administrative leadership.

Further, eighteen men who were also active jurors at one time filled the function of court assessor. It is difficult to determine from the

³⁹ The following are examples of the numerous brewing entries: (1297) 'Warin Gilbert et Stephanus Robat tastatores de Riptone Regis dicunt quod Amicia uxor Rogeri de Rammeseia sexies vendidit cervisias ad denarios quinque que non valuit argentum. Ideo in misericordia xii d. plegius vir eius g. p. q'; (1294) 'Quia regatrisse cervise non iustificat se veniendo ad visum cum suis mesuris et permittunt tastari cervisiam earum preceptum est quod nulla earum de cetero vendat cervisiam libertate et quod nullus de villa aliquam cervisiam emat de ipsis.'

Also see Homans, *English Villagers*, p. 312 for a discussion of the assize of ale.

⁴⁰ There is more data available, however, from other village rolls. See W. O. Ault, *The Self-Directing Activities of Village Communities in Medieval England* (Boston, 1952), and *Open-Field Husbandry and the Village Community: A Study of Agrarian By-laws in Medieval England* (Transactions of the American Philosophical Society, N. S. 55; Philadelphia, 1965) for discussions of the custodian of autumn.

King's Ripton rolls alone what the responsibilities of the latter were; Homans assumed that they were charged with establishing the amount for the fines to be amerced from offenders cited in court.⁴¹ Since all eighteen men were serving simultaneously as jurors in King's Ripton, the duties of the assessors may always have been performed by two of the current twelve jurors.

One other office, that of capital pledge, called for services from the same group. The capital pledge was traditionally responsible for his own tithing group of adult males; he reported any misdeeds they performed and was responsible for their presence in court when necessary.⁴² The tithing group had been a fundamental institution in English society for hundreds of years, and its importance was still felt in the fourteenth-century village. Three men were described as *decennarius* in the 1279 court roll where they and their tithings were fined for default. Only the continuing presence of the institution is ascertainable. There is no further information about the functions of the capital pledge in the village, and only one other reference is made to the institution in 1347 when John William died and was replaced as head of his tithing by Thomas Hirne. Apparently the office was important enough at this date to call for the replacement of John William, but there is no further evidence as to its direct relationship with the work of the jury or the pledging system. It is true that Thomas Hirne was a juror as well in 1347, but there is nothing to show that the three capital pledges mentioned in 1279 were ever on the jury, even though they came from families which provided jurors. The rolls reveal, however, that individual villagers were fined when they failed to identify themselves with a tithing group, for Thomas Hirne, perhaps in his capacity as head tithing-man, placed the parson and Thomas Brytwold in tithing in 1360.⁴³

Constables are identified by name in 1411, 1429 and 1456, when the office was held by John Martyn, William Drayton, and Thomas Balle, all of whom were serving simultaneously as jurors. Thomas Balle was also assessor in the early fifteenth century. Several unnamed constables

⁴¹ And yet the fines remained uniform for each offense throughout the period. These assessors may have been responsible for deciding who was too poor to pay the full fine, however, for there are a very few individuals in the rolls excused from payment because of poverty.

⁴² See W. A. Morris, *The Frankpledge System* (Cambridge, Mass., 1910) and Homans, *English Villagers*, pp. 324-5.

⁴³ See Raftis, *Tenure and Mobility*, pp. 130 ff. for other examples from Ramsey villages; also E. DeWindt, *Land and People*, pp. 214-5.

were acting as pledges during the decade or so after the Black Death, but other than these few entries the records reveal nothing of the duties or responsibilities of the office. More helpful evidence can be found in other court records of the region; for instance, the constables of Ramsey presented assault cases in several courts held between 1411 and 1434 which indicate that the office of constable may by that time have been evolving into a police force used to assist the jurors.⁴⁴

The office of constable functioned as an instrument of social order, along with the offices of capital pledge, assessor, taster, custodian of the harvest, and juror, by which the welfare of the community as a conglomerate of individual rights and needs was guarded and preserved through the delegation of responsibility to individuals. The jurors presented offences of various kinds against individual persons and property, the tasters protected the community's rights to ale (an important source of food value) properly brewed, fairly measured and priced, and the assessor helped in the enforcement of these protections. Such officials, as agents of self-regulation, were chosen from a group of village specialists apparently more willing, and certainly more financially able, to provide local leadership.

III

While it would be to err in the opposite extreme to the manorial syndrome to postulate the existence of an autonomous community life in King's Ripton, what we have observed so far seems to indicate that there were local officials whose activity and responsibility were village oriented and whose impetus derived in large part from purely local interests. In short, one can now investigate the peasant community increasingly on its own terms without depending upon extrapolations from the peasant's limited role as tenant of the landlord, a role limited both in its sociological and economic scope. Not surprisingly, therefore, one finds that the group of villagers who have been identified above by their regular and consistent participation in local government included five of the leaders of the 1275 legal battle before the royal justices. In the court case they simply demonstrated to the outside world in the context of a royal judicial process their familiar competence in matters close to their own legal and economic interests. In

⁴⁴ British Library Add. MSS. 39641, 39644-5, 34368-9, 39643, 39646-7, 34371, 39648.

this fresh perspective, village life can be more clearly seen by placing officeholders within the context of their families. Owing to the limitations of space, it is necessary to summarize the nature of their overall participation in village activities, and the following is a concise account of the careers of the nine most active village administrative families.

The Hirne family of nineteen recorded members was active in the village between 1275 and 1411 and left a total of 258 entries in the court records revealing varied activities on the land market as administrators, pledges, trespassers, and participants in various assault and debt pleas against their fellow villagers. The family first comes to notice when John Hirne in 1275 was a plaintiff in the *coram rege* court case against the abbot of Ramsey. By the time the court rolls become more numerous, the two most active members were the brothers Nicholas son of Hugo and Ivo, whose activities were depicted in a total of 140 court roll entries. Ivo served as a pledge in ten cases, was a party to eleven trespass pleas, fourteen land transfers and land pleas, and was involved in fifteen hues, assaults and other pleas. His active participation in the economic life of the village is evident in the fines he paid for straying livestock or for an open fence or hedge, and in his activity on the land market where he dealt with a total of about thirty acres over the course of his lifetime. Nicholas was also a participant in the land market, dealing with a total of approximately seven acres and two messuages in thirteen different transactions. He was an even more active administrator than Ivo and served as juror or taster ten times, and as a pledge twenty times. Like his brother, Nicholas was involved in pastoral and agricultural trespasses and he was involved as well in six debt pleas.

Ever since 1279, when John Hirne was listed in the Hundred Rolls as a tenant of one-half virgate and one-half rod of meadow by customary tenure, the family had been substantial landholders. Information about their holdings comes in part from the 1279 Hundred Roll, but also from court roll entries dealing with land transfers or failure to perform work services for an undefined amount of customary land. Altogether nine members of the Hirne/Angulo family dealt in the land market, and two of these were fined as well for failure to perform work services on the demesne. In addition to Nicholas and Ivo, others notable in this respect include Alice and Margaret Hirne who acquired one-half acre and five rods with one messuage on the land market. Nicholas son of John dealt in four rods and twenty-three acres total, Ivo son of Henry in 2 1/2 acres and one rod, John Hirne in nine acres, and Thomas Hirne in two acres.

Similar breadth and intensity of local economic and administrative activity are seen among the Arnold family of fourteen members whose tenure in the village lasted from 1288 until 1356. Nicholas (1288-1306) was the most active member; in a total of seventy-six appearances he served as pledge twenty-eight times, juror twice, and custodian of autumn once. He was also involved in thirty-five land transfers or land pleas involving a total of about 12 1/2 acres. There are no Arnolds mentioned in the Hundred Roll of 1279, but a Thomas Arnold who died in 1309 left behind almost a virgate (twenty-three acres) and Ralph Arnold, Thomas' brother, dealt with a total of twelve acres on the land market. Nicholas' daughters, Mariot and Juliana, brewed ale. Ralph Arnold and his son John were the other two members of the family who contributed administrative services to the community; Ralph served once as juror and taster, and his son served four times as juror and once as taster.

The twelve members of the Palmer family made a total of 116 appearances in the rolls between 1279 and 1366, revealing that they too were substantial landholders. A Thomas Palmer and a Matilda Palmer are listed in the 1250 extent as tenants of one-half virgate and one virgate respectively. Nine other members of the family subsequently appear as participants in the land market, dealing with varying amounts (one rod to one virgate). Some of this land owed work services since John Palmer senior, the most active member of his family, was fined in 1301 for failure to perform work services on the demesne. His son, John junior, was referred to as a virgator at his death when he left one messuage and one-half virgate to his son Nicholas. Between them they served ten times as juror or taster, eleven times as pledge, and appeared twelve times in land transfers or pleas. Hugo served as juror or taster six times, as pledge twelve times, and was involved in at least eight land transfers. Two other family members, William and Nicholas, appear less frequently on the jury and as pledges.

Between 1275 and 1429, nineteen members of the Ramsey family made 133 appearances in the rolls. Roger, John, William I, II and III and Thomas all served on the jury from one to seven terms. Roger was the most active single member of the family with fourteen appearances as pledge, six appearances in land transfers or pleas and three appearances in debt pleas. The three Williams, active between 1316 and 1395, were most active in agricultural pleas and land transfers. William I and II dealt with a total of 15 1/4 acres on the market. Roger and Thomas dealt with a total of 8 1/2 acres and Roger was fined in 1322 for failure to perform work services on the desmesne. It should be

noted that the Ramseys, from practically the very beginning of this period, were landholders of substance, for the 1279 Hundred Roll lists a William Ramsey as the tenant of a half-virgate assessment.

The Simon family appears in 120 entries and their fifteen members were active between 1250 and 1333. John, Thomas, and Henry, sons of Simon and flourishing at the end of the thirteenth century, were the most active members. Thomas Simon was a leader in the 1275 court case. Both he and his brothers served an average of six to seven times each on the jury or as tasters, and they pledged fellow villagers a total of twenty-eight times. They also appeared seven to eight times each in the land market entries, and were involved in several agricultural trespass pleas. A Bartholomew Simon was listed as the tenant of two virgates in the 1250 extent, and Hugo Simon as tenant of a half-virgate plot. Thomas Simon is listed in the Hundred Roll as tenant of one virgate. Six other members of the family were involved in the land market, dealing with land varying in amounts from one-half acre to 7 1/2 acres.

The eleven members of the Stalker family who appear in the rolls were active in the village from at least 1250 until 1390. John Stalker senior and his grandson John III account for 100 of the family's 145 entries. The former, another leader of the 1275 *coram rege* court case, was an extremely active administrator, serving eight times as juror or taster, and nineteen times as pledge. His name appears seven times as well in agricultural trespass pleas, land transfers and pleas, and in assault and hue and cry cases. He was involved in one debt plea. John III (1332-1376) continued the family involvement in land; his name appears predominantly in land transfers and pleas or in pleas involving trespasses by his pigs and sheep. The family landholdings were not insignificant, to judge from the 1250 extent and the Hundred Roll, even if the Stalkers' activity in the land market is not as noticeable as that of other major administrative families. John Stalker I held two virgates in 1279, and a Nicholas and Fulco Stalker held one virgate each in 1250. John I was fined twice, in 1299 and 1301, for work defaults on the lord's demesne.

Between 1250 and 1420, sixteen members of the Brytwold family appear 103 times in the village court rolls. A Brytwold son of Henry was a plaintiff in the 1275 court case. Here again, the court activities of the family were concentrated in the hands of one or two males. John Brytwold served as juror or taster for a total of fifteen times, and as an active pledge he served eleven times in that capacity. His other activities were distributed equally among agricultural trespasses, land pleas or

transfers, work defaults, hue and assault cases and two debt pleas. Peter, Thomas and William Brytwold served once each on the jury, and Thomas, as well as his grandson Thomas III, were very active on the land market. Furthermore, this active family leaves evidence of having been fairly substantial landholders. A Brytwold son of Roger held one-half virgate in the 1250 extent, and a man referred to only as Brytwold held one-third virgate in the 1279 Hundred Roll. John Brytwold was fined for failure to work on the demesne in 1296, an indication that he too held customary land, though it is impossible to ascertain its quantity. John II, fined for the same offense in 1322, was also involved in the land market, dealing with amounts totalling 2 1/2 acres. Thomas and his son were likewise active in the market, dealing with a total of one-half virgate, 7 1/2 acres and one messuage. By the early 1400's, however, not a hint remains of the former wealth and importance of the Brytwolds since the family name survives only in the persons of Agnes and Margaret. They share two rods, and Margaret holds as well at least one toft. Agnes supplemented her income by brewing ale.

The next representative of the most active village families is the Newman family, of which nine members appear ninety times in the village rolls between 1279 and 1328. William and Nicholas were the most active, serving a total of nineteen times between them as juror or taster. Nicholas served as a pledge twenty-one times, and William nine times. The rest of the family entries are mainly agricultural trespass pleas, land transfers or pleas, and hue or assault cases. As for their landholdings, an Adam Newman held one-half virgate in the 1250 extent, and the only other tenurial evidence that survives after that time is from the land market, where Nicholas, Robert, Agnes and Felicia Newman traded in a total of 5 1/2 acres. William and Nicholas, however, were both fined in 1301 for work service defaults, an indication that they held an assessable amount of customary land.

To complete this portrait of King's Ripton's leading families. Nine members of the Balle family mentioned in the rolls between 1347 and 1456 were involved in a total of twenty-one agricultural trespass cases and twenty-nine land transfers or pleas of land, thereby acquiring for themselves a substantial stake in the village after the Black Death. Available information regarding the amount of land under their control points to a minimum holding of thirty acres. Andrew had an undetermined number of sheep and pigs during the generation following 1347, John Balle was fined for the trespass of his geese, and Richard (1356-66) owned sheep. As for their participation in local government, that too was noteworthy. Between 1347 and 1397 four men served as

jurors eleven times, and as tasters three times. By the mid-fifteenth century the family was still in a dominant position. Two men, Thomas and Richard, were serving on the jury regularly and Thomas served as constable as well as juror and assessor in 1456. A John Balle was assessor and juror in 1411, and juror, taster and assessor in 1419.

It is clear that families active in village administration tended to be active as well in many aspects of village life. The nine families noted above claimed at least one member present in the village for a period of 73 to 170 years, and the total of their entries in the court rolls numbers at least 100. The fact that they each contributed a juror to the village administration ten to thirty-one times would suffice to distinguish them as a recognizable group in the community; they can be further identified, however, as substantial landholders with extensive economic interests in the village — from livestock raising, land transfer activity, and ale brewing to involvement in numerous debt contracts — a feature already noted of jurors in several other medieval Huntingdonshire villages.⁴⁵

The men who appeared most frequently on the jurors' lists and as ale tasters or capital pledges were also those most likely to be fined for demesne work defaults, for a trespass, or for failing to appear in a land transfer or a debt case. Their families were large and their commitments to the local community and its economy were tenacious and relatively long lasting. Given this situation, it is not surprising that they were better able to contribute the time and effort certainly required of a village official. This is not the first time the social historian has encountered the partnership of economic security and public responsibility; a similar phenomenon is characteristic of the whole of medieval society, and places the peasants squarely within their feudal environment. For just as the feudal lord was bound by the responsibility of maintaining local justice and protecting the widows and orphans under his hegemony, thus the larger and richer peasant families in the village were called upon to contribute to the maintenance of justice and order within their own local context. One is tempted to speculate upon individual motives for such administrative activity, and further research is needed in this area. In passing, it may be noted that a variety of factors was undoubtedly at work here, from commitments to the community's

⁴⁵ See E. DeWindt, *Land and People*, pp. 206-241, and Raftis, 'Social Structures in Five East Midland Villages', *Economic History Review*, 2nd Ser., 18 (1965) 85.

welfare to grasping personal ambitions. Village offices may have been jealously guarded in the hands of certain families, when possible, for two to three generations — a phenomenon more likely by the beginning of the fifteenth century — and yet there are also scattered instances of an individual's refusing to serve.⁴⁶

IV

If, on the one hand, a village aristocracy stands out as being relatively independent of the lord, there is also the other side of the coin, namely the position of the less privileged families in the community. The following summary of evidence accumulated from the court rolls will illustrate the role in the community of less fortunate groups who fall into four categories.

Although their general activity is not quite as varied nor is their family longevity as great, the first category does leave evidence of having been important in the village. For example, they contributed a juror or taster to the village administration between one and twenty-three times, and their total number of appearances in the rolls ranges from forty-four to approximately eighty. Their tenures in the village range from fifty-four to 138 years. Like the families of the most active group, they all held land, often demonstrably large amounts of it, and most maintained some livestock. To take the Wright family whose ten members thrived between 1328 and 1396. John, John junior, Henry and Nicholas served a total of ten times in the village administration. The family as a whole was involved in eighteen trespass cases, often specifically involving sheep, cows, and pigs. They were parties to twenty-one land transfers or pleas of land, from which it is apparent that their holdings consisted of at least 14 1/2 acres, one messuage, one *cotagium*, and one dovecote.

As a further example, John and Robert Dike were two brothers who prospered along with their wives, sisters, and three female descendants between 1279 and 1313.⁴⁷ In 1279 John married a daughter of John Hirne, a member of one of the first group of village families, and in the years following was very active on the land market, becoming involved in eleven transfers and / or pleas of land totalling about nineteen acres.

⁴⁶ See Homans, *English Villagers*, p. 312 and Hemmingford Abbot's court rolls for 1279 (PRO SC 2 179/4) and 1299 (179/10).

⁴⁷ Agnes Dikes of 1382 may be a survivor from this family.

Neither he nor his brother ever served as juror or taster, as far as can be known, but between them they served as pledges several times. Roger was involved too in active trading on the land market, and evidenced control of at least eleven to twelve acres of land during the course of his career. Their sister Margaret received lands from them during their lifetimes, and later one acre and 2 1/2 rods at Roger's death in 1309. Emma Dike, either a sister or a daughter of one of these men, brewed ale, was involved in several disputes with her neighbors, and eventually married at the neighboring village of Broughton in 1294. Julyane and Sarra, presumably daughters of the family, are mentioned only briefly, one in a field location in a land transfer entry, and the other in a debt case over a bushel of grain. After John and Roger died in 1313 the family apparently no longer played any substantial role in the village. The other fifteen village families of this group exhibit similar interests in land and in livestock as well as in administrative duties.

The next category involves a group of forty-two village families characterized by even fewer appearances in the rolls. Their surnames appear between ten and thirty-nine times, and their tenures in the village vary from two to 178 years, the average being sixty-two years. They demonstrate economic commitment to the village as seen in their land transfer or trespass pleas, but to a lesser extent. A little more than one half contributed to the village administration, but for the most part their contribution was significantly smaller. Twenty-five surnames from the group appear on the jury lists on the average of five times each, ranging from one to fourteen times. These are the families whose economic interests in King's Ripton effected bonds with the community that generally lasted at least a generation or two, but whose commitments and / or ability to perform services to the local government or to serve as pledges were not as significant as they were among the two more active groups of families. Again it will be useful to illustrate this group of villagers by summarizing the careers of some typical representatives.

First, there are three members of the Boteler family appearing in the rolls between 1351 and 1411. Alice, the first to be active in the village, was fined twice in 1356 for damage done by her pigs. This was her second and final appearance after breaking the ale assize in 1350. A John Boteler, perhaps a son or grandson, appears briefly between 1386 and 1396 when he too was fined for the trespass of his pigs and cows. The last representative of the family name, Joan, raised the hue in 1410 and 1412.

As another family in this category, John, Andrew and Thomas Pusker were in the village between 1357 and 1390 and appear mainly as trespassers and participants in the land market, dealing with small parcels of real estate. John shared his land with several parceners and owned pigs and at least one cow. Andrew appears only once in a trespass plea, and Thomas dealt in a total of twelve to thirteen acres on the land market in five transactions. Not a single member of either the Boteler family or the Pusker family ever appears on the jury lists or as taster or assessor, although a little more than half the families in this group did provide jurors.

The economic status of the forty-two families was obviously not minimal since every name can be identified with landholding, either through transactions on the land market, in an inheritance plea, or in the Hundred Rolls, and fourteen were ale brewers while at least nineteen owned livestock or fowl. Nevertheless their tenacity and / or drive and ambition were not such as to propel them into the ranks of the long term and active administrative groups mentioned above. A possible reason for their seemingly half-hearted commitment to the village of King's Ripton may have been concurrent or subsequent interests in neighboring villages. For instance, the Blosme surname associated with this third group in King's Ripton appears frequently in the neighboring village of Broughton where a John Blosme served often as both juror and taster. Three other women and one man are mentioned in that village before the Black Death. The Boteler family, referred to above, had members appearing in Broughton as substantial landholders throughout the fourteenth century and intermittently in Abbot's Ripton, Upwood and Wistow as well. At least ten other surnames of this group also appear in other nearby villages during the course of the fourteenth century.⁴⁸ In some cases it appears that their tenure in King's Ripton was cut short, not because of poverty or the lack of heirs, but because the family moved elsewhere.

A further category turns about a group of seventy-two village surnames appearing only irregularly in the court records for a total of three to nine times. However, this is not a group that can be designated as a poverty fringe living on the outskirts of the village economy.

⁴⁸ One is compelled, therefore, to look beyond the boundaries of King's Ripton in order to obtain a true perspective on the local activity reflected in its own court rolls. Studies in the geographic mobility of Hunts. peasants are now being undertaken by myself, J. A. Raftis, Ellen Wedemeyer Moore, and E. J. Britton.

Granted that only seventeen of the seventy-two names ever appear on the jury lists and their familial tenure in the village averages just thirty-six years, still fifty-six of these families leave evidence of having held landed property while at least seven owned livestock or fowl and ten women brewed ale. The family groups were small, with an average of just over two members each, but many seemed to have been actual residents and active participants in the local economy. The village seemingly had a place for a 'lower middle class'.

In the cases of a great many of these families their limited entries in the rolls deal predominantly or solely with land transfers or pleas of land, thereby indicating the real, albeit temporary, stake they had in the village. For example, a Laurence Cranfeld essoined Richard Bernewell in 1296 and then thirty-six years later a Roger Cranfeld released a total of five acres on the land market in seven consecutive entries. In a sporadic series of short appearances the Balde family was involved in several land transactions: John received one acre in 1296 and left 1 1/2 acres in King's Ripton to his son in 1313; Thomas Balde was fined in 1333 for a work default; and then in 1351 Margaret Balde released 1 1/2 acres on the market. The Balde family's main seat was in neighboring Broughton, which probably explains their intermittent appearances in the King's Ripton rolls. A similar situation exists regarding the Atte Brigge family who also lived in Broughton. William released one rod and three rods in two transactions on the land market in 1316, nineteen years after Thomas atte Brigge had acquired one acre from Robert Blurt in King's Ripton. Finally, in 1348 another Thomas was fined for digging in the king's highway through King's Ripton. For both of these Broughton families, then, the fields of King's Ripton provided periodic opportunities that did not necessarily call for a change of residence or administrative activity.

Further examples of this category can be easily given. John Pykard was involved in a series of land transfers in 1288 and 1296 when he accumulated a total of six acres. He was involved in a land plea with Matilda Grayling over her share of a nine acre plot in 1296, and then was last heard from in the 1298 account roll when he was in arrears for fourteen pence rent to the abbot. Entries in the village roles for Henry Hancock concern a series of land market transactions between 1386 and 1396 and a trespass with his plow in 1390. He released about 2 1/2 acres of land in seven transfers. Many of this village group likewise reveal their economic interests through trespass pleas and boundary disputes which often dominate their relatively brief activity in the court records. John Clervaus was involved in a boundary dispute with

William Stanes in 1396 for his only appearance in the rolls. John Elys was involved in a trespass plea in 1332 for his second appearance after having essoined himself in 1322. There was a Freeman mentioned in the 1250 extent, but the only evidence that this man had a descendant in the village when the court rolls begin is the trespass fine against Julyana le Freman in 1294.

Activities other than those involved directly in making a living appear to have been minimal, although one man did appear as bailiff. Economic interests were not confined to landed ones for a number of women brewed ale for the villagers and several were fined for gleanng wrongly. Only one individual was ever excused from a fine due to poverty.⁴⁹ Thomas Cobbe's sole appearances were in his capacity as butcher.

Such relative tenacity of a village group which did not have abundant landed resources is significant. The small plots of land on the peasant market and opportunities to keep livestock, brew ale, serve as village butcher as well as to perform certain manorial duties apparently provided livelihoods for small families. Some individuals may also have made livings as domestics and laborers hired by other villagers; there are scattered references in the rolls to unnamed servants and shepherds.

However, there are also to be found in this village group several 'undesirables' who were asked to leave the community on the grounds that they were unfit residents, even though they were often sheltered for many years thereafter by a fellow villager. Agnes Paule and her daughter Margarita were declared *inutiles* in 1297 and were prohibited from the village, but in 1300 Stephan Robat was fined for keeping Agnes and her daughter. The two women may well have been servants of this relatively large and active landholder because Margarita was still present in 1303. A male member of the family had been received as early as 1294, perhaps again as a servant because Richard Carpenter was fined for receiving him outside tithing. Hugo Knyth and his wife had been prohibited from the village in 1300 when Katerina Gannoker was fined for sheltering them. Nevertheless, Hugo was still essoining fellow villagers in 1306, and a Beatrice Knyth was brewing ale in 1323, twenty-three years after the family had supposedly been banished.

The remainder of the scattered court roll entries for this group of

⁴⁹ Alicia Maydegod in 1294 and 1299.

seventy-two surnames are mainly hue and cry cases, occasional acts of pledging, and scattered assault or leyrwite cases.

The final group of villagers in King's Ripton consists of individuals whose appearances in the court rolls are very brief, limited as they are to only one or two entries. These men and women contributed in only a marginal manner to the life of the community, and most of them did not have other family members who appear anywhere in the village records. There are 133 family names representing 154 persons in this group.

Their status as actual inhabitants of King's Ripton is difficult to assess, and one is tempted to describe them as transients or non-residents. The solution is not so simple, however, because fifty-four men and women were involved in the transfers of a small plot of one-half rod to two to three rods of land, show evidence of possessing a cottage, or were involved in some type of land plea or dispute over boundaries. Thus a good number of the individuals comprising this marginal group possessed small plots of land, even if for only a short time. Their lack of continued presence in the rolls in a wider scope of activities may have been partly due to poverty; yet the presence of ninety-two of their surnames in neighboring villages during roughly the same period suggests that some of their small investments in the fields of King's Ripton may have been peripheral holdings to neighboring interests.⁵⁰

Remaining individuals of this last group were involved in other forms of economic endeavor within the community. Eleven owned fowl or livestock, seven were involved in one or more debt cases, seven were fined for offenses against the ale assize, and one was a stone mason. Here again their appearance in the rolls, no matter how brief, reveals positive economic activity. Few were mere vagabonds; most had some small claim to the life and productivity of the village whose economy made room for men and women with little landed property.

In a few cases members of this group were harbored by other villagers who were fined for receiving them without ensuring their membership in a tithing group. This seems to indicate that some were wandering laborers, taken in for a short time by employers who

⁵⁰ The Regional Data Bank, housed at the Pontifical Institute of Mediaeval Studies, Toronto, provides information on at least 10,000 individuals from thirteen Hunts. villages and makes possible the tracing of King's Ripton individuals to other regional communities. See, in the same collection, the unpublished manuscript *Beyond Town and Village* for several studies of regional activities.

probably used them periodically for seasonal work.⁵¹ Not all of the marginal villagers, however, were always welcome; Matilda Rede was considered *inutilis* in 1297 and prohibited from the village, and ten others were the subjects of hues or the objects of other court pleas. Nevertheless, most of them were not irresponsible, and a few performed various services for other villagers: three served as pledges, and twelve essoined villagers who could not appear at court. In short, this last group of villagers represents a fast moving parade of small landholders, neighboring peasants with expanded interests, vagabonds, and transient laborers, with a few troublemakers thrown in for good measure, all moving in and out of King's Ripton at a rate too fast to establish long-term familial ties.

From a statistical viewpoint each group in the village claimed approximately one sixth to one fourth of the total population reflected in the rolls over the 170 year period of this study. The 128 individuals or nine families in the most active group represented sixteen per cent of the village population; there were 156 individuals or seventeen families in the next most active group representing twenty per cent; the third group consisted of 181 individuals or forty-two family names, and these made up twenty-three per cent; 168 individuals or seventy-two family names in the fourth group stood for twenty-one per cent; and finally, there were 154 individuals or 133 family names in the last group accounting for twenty per cent.

One third of the villagers belonged to a family which appeared at least forty times in the court rolls, had at least eight or nine individual members, survived in the village for at least fifty-four years, and, with one exception, provided jurors to the village government. At the other end of the spectrum, twenty per cent of the villagers had surnames which appeared only once or twice in the rolls and provided a total of only three jurors to the local government. None of these surnames designated more than three different individuals in the rolls and none was present for longer than five years. Such persons found only temporary attractions to the village or did not have the fortune and / or fertility to establish more lasting ties in terms of strong familial commitments.

The larger a family and the longer it managed to maintain roots in the village, the more active did its individuals appear to be in the numerous aspects of village life. Families such as the Stalkers, Palmers

⁵¹ William Cherl (1279) and Johanna Elyne (1351) were illegally received out of tithing.

and Balles maintained long term commitments that flowered into active administrative service to their fellow villagers and resulted in substantial participation in the village tenurial structure. The smaller families, accordingly, survived for shorter periods of time, and consequently were less able and / or willing to contribute to the village administration to such a high degree or to build up involved commitments to the economy. The very short term inhabitants of the village thus leave the least trace of their activities, for they had neither a family identity nor a significant administrative or economic role to play. The two seem to go hand in hand; among the 154 individuals of this last group, there were 133 family names, a figure which indicates that very few persons had relatives in the village.

The success of the family unit, therefore, was intimately connected with the degree of activity or 'success' demonstrated by its individual members. It was in the context of the Stalkers' familial commitment of 116 years to King's Ripton that the individual John Stalker served eight times as juror and held at least two virgates of land in the village. Similarly, during a meagre six year history in the village the only two members of the Reynolds family appear a mere six times in the court rolls as ale brewers or subjects of leyrwite fines. Individual, familial and village vitality were closely associated and interdependent. This concept is not new to peasant studies, and the close ties between family, land, and village society have been noted elsewhere.⁵²

V

To sum up. The court rolls provide a fuller and more satisfying picture of familial contributions to village community life than do classifi-

⁵² One of the earliest recorded units of tenure, the hide, was based on familial settlement patterns. See Homans, *English Villagers*, p. 75 and also p. 414: 'The constitution of the family and the constitution of village husbandry were themselves adapted to one another.' Homans further cites the mutual dependence of village institutions, particularly the relationship between family inheritance custom and tenurial patterns. For further discussion of the tenement and the family, see Raftis, *Tenure and Mobility*, pp. 3-62. Peter Laslett, *The World We Have Lost* (New York, 1965), p. 19 points out that '... people came not as individuals, but as families ... to the land' and (p. 11) 'To every farm there was a family ... Marriage ... was the entry to full membership in the enfolding countryside.' Using seventeenth and eighteenth century data from English sources Laslett notes that the larger families tended to be the richer ones, providing an interesting parallel to the situation in fourteenth-century King's Ripton (p. 46): 'Poor people lived in small families, and rich people in big ones...'; (p. 69) 'In every one of the village communities too, the families of craftsmen, laborers and paupers tended to be smaller than the families of yeomen, and those of the gentry to be largest.'

cations based solely on a hierarchy of manorial tenements whereby families and individuals are forced into the static, narrow, and even artificial categories of virgator, semi-virgator, cottager, or laborer. Furthermore, tenurial sources such as the extent of 1250 and the Hundred Roll reveal only a small percentage of the total village population. For instance, the latter names only thirty-nine individuals (seven women and thirty-two men), whereas forty-nine men and women are mentioned in the relatively brief court roll of 1279 and a total of 139 men and women are mentioned in the nine court rolls surviving between 1279 and 1296.

Because they constitute a source of successive documents, the court rolls reveal peasant family histories in their changing economic fortunes and in their varying degrees of involvement in the village administration. Such an approach not only takes into account broader aspects of the villagers' local activity, providing information on local government as well as on several supplemental economic endeavors outside the manorial landholding structure, but it also allows a more natural change and flux to show across the face of a family's economic and administrative participation in its village community.

This investigation into the village backgrounds of the instigators of the 1275 court case has led to a discussion of that village whence they came. Many of the leaders of the court case were found to be leaders as well in the local community. Their leadership as manorial tenants in royal court proceedings against their landlord was shown to be based upon a strong local dominance in all aspects of village life, from jury duty to activity in the land market and pledging activity. In addition, the breadth and continuity of their familial commitments to the village of King's Ripton creates for the historian a standard by which other families and individuals in the village may be grouped and identified. The major families are the measure of the village, and their activity as landholders, land traders, and bearers of social responsibilities becomes the focal center of the community and reference point for the historian's examination of that community made up of numerous other families with varying lesser degrees of tenacity and stamina. And, indeed, it was a family's stamina, expressed in the breadth of its economic interests, social responsibilities, and size, that determined its group identification. The upper strata of long term families with deep roots in the community succeeded, despite the inward and outward flow of other less stable families, in forming the permanent core of village life.

The court rolls of King's Ripton thus reveal a peasant society similar in outline to those already depicted in previous studies of Holywell, Upwood, Wistow, Warboys and Broughton. Ancient demesne or no, with

or without access to the royal courts, these villages are peasant communities with their own hierarchies of economic and social behavior worthy of study in their own right. They were communities of human beings carving out lives for themselves within their local context of family, village and region.

Detroit.

SOME DIFFICULT WORDS IN THE *ANCRENE RIWLE*

Mary Baldwin

THE following notes on some specialized words in the *Ancrene Riwe* (AR) derive from research on the structure and doctrine of the text as seen in relation to its background and sources. The discussion offers evidence that an understanding of the traditional ascetic, devotional and penitential literature familiar to its author can throw light on the meaning of his terminology.

The basic text used is that of Cambridge, Corpus Christi College MS. 402, edited by J. R. R. Tolkien.¹ According to E. J. Dobson, whose recent edition of MS. Cotton Cleopatra C. VI² was preceded by a painstaking examination of the relationships among the manuscripts of AR,³ Corpus is the best text and the one which represents the author's final revision,⁴ even though one of the correctors of Cleopatra (Scribe B) is probably the author himself.⁵ The other versions of AR will be quoted whenever their readings are relevant.⁶

¹ *The English Text of the Ancrene Riwe, Ancrene Wisse* EETS 249 (London, 1962). Unless otherwise noted, all quotations are taken from this edition.

² *The English Text of the Ancrene Riwe* EETS 267 (London, 1972), cited as C.

³ 'The Affiliations of the Manuscripts of *Ancrene Wisse*' in *English and Medieval Studies Presented to J. R. R. Tolkien*, ed. N. Davis and C. L. Wrenn (London, 1962), pp. 128-163 and 'The Date and Composition of *Ancrene Wisse*', *Proceedings of the British Academy* 52 (1966) 181-208.

⁴ On the Corpus text, see Dobson, 'Affiliations', especially 129-131, 163; 'Date and Composition', especially 194-203; and the edition of Cleopatra, pp. x-xi.

⁵ On the reviser whom Dobson calls Scribe B, see 'Affiliations', 158-162; 'Date and Composition', 199-203; and the edition of Cleopatra, pp. xciii-cxl.

⁶ The versions cited are: *The English Text of the Ancrene Riwe*, ed. from British Library Cotton MS. Nero A. XIV by Mabel Day, EETS 225 (London, 1952), cited as N; *The English Text of the Ancrene Riwe*, ed. from British Library Cotton MS. Titus D. XVIII by Frances M. Mack, EETS 252 (London, 1963), cited as T; *The Latin Text of the Ancrene Riwe*, ed. from Merton College MS. 44 and British Library Cotton MS. Vitellius E. VII by Charlotte D'Evelyn, EETS 216 (London, 1944; rpt. 1957), cited as L; *The French Text of the Ancrene Riwe*, ed. from British Library Cotton MS. Vitellius F. VII

BIHALDEN

In the passage in Part 4 in which the author of AR teaches the recluses 'hu alle þe seouene deadliche sunnen muhen beon afleiet þurh treowe bileaue' (pp. 127-135, 67a/19-72a/3) there is a noticeable repetition of the verb 'bihalden'. NED does not cite any example of 'behold' from this passage. MED cites 'bihalt' at p. 127, 67a/23 under 'biholden', v., 2b(b), 'perceive, comprehend, understand', but does not cite 'inwardliche bihalt' (p. 135, 71b/23) under 2b(a), taking instead an example from Part 2. Examination of the relevant contexts suggests that these two citations from AR are misplaced in MED, and that in the passage on the truths of faith 'bihalden' means 'consider' in the sense of 'meditate'; specifically, it means using the imagination to present events in the life of Christ to the mind as subjects of meditation.

To illustrate the meaning 'observe, consider, contemplate; biholden inwardli', MED cites Part 2, p. 49, 23b/18-19: 'bihald inward þer ich am 7 ne sech þu me nawt wið ute þin heorte.' But this section is a recapitulation of advice on the custody of the senses: an anchoress should not let her senses draw her attention outward; she should not seek her divine Spouse outside her own heart, 'godes chambre' (ibid., l. 25), but within it. 'Bihald inward' here simply means 'turn your attention inward'.

On the other hand, the explanation of 'true faith' as a remedy for temptation contains a series of suggestions for meditation on events or aspects of the life of Christ. The repetition of 'bihalden' parallels the repetition of 'þenchen' in the similar passage on 'hali meditatiuns' as a remedy for temptation (p. 123, 65a/16-25). 'Þenchen' there clearly means 'meditate', as it does elsewhere in AR.⁷ The conclusion of the passage on true faith suggests that 'bihalden' means the same thing: 'Þus lo þe articles ... of ure bileaue onont godes monhead hwa se inwardliche bihalt ham: fehteð tozein þe feond þe fondeð us ... Armið ow [seinte peter] seið wið þoht [*cogitatione*] up o iesu crist þe in ure flesch wes ipínet.⁸ ... Þencheð þencheð [*recogitate*] seið seínte pawel hwen 3e wergið

by J. A. Herbert, EETS 219 (London, 1944), cited as F; *The French Text of the Ancrene Riwe*, ed. from Trinity College, Cambridge MS. R. 14. 7 by W. H. Trethewey, EETS 240 (London, 1958), cited as Tr. *The Recluse. A Fourteenth Century Version of the Ancren Riwe*, ed. Joel Páhlsson (Lund, 1918) and the version of AR in the Bodleian Vernon MS. (MS Eng. poet. a(1)) have been consulted on microfilm.

⁷ p. 80, 42a/7-9 (quoting Gen 24: 63): 'Egressus est ysaac in agrum ad meditandum ... Ysaac þe patriarche forte þenche deopliche ...'.

⁸ 1 Pet 4: 1.

i feht azeînes þe deouel⁹ ...' (p. 135, 71b/21-72a/2). The primary force of 'bihalden' in the passage as a whole is 'to see with the eye of faith' by meditating on the life of Christ, and the example from AR should be cited as an illustration of 'biholden inwardli', i.e., 'consider intently or meditate devoutly'.

A comparable use of similar verbs, and extended examples of the kind of meditation rather sketchily suggested in the 'true faith' passage of AR can be found in the collection of devotional texts that grew up around a core of nineteen prayers and three meditations written by St. Anselm.¹⁰ The method of imaginative reconstruction of the Gospel narrative as an aid to meditation is found in Anselm and is even more vividly illustrated in chapters 29-31 of Aelred of Rievaulx's *De institutione inclusarum* (which came to be included in the collection as *Meditation 15*). The author of AR knew Anselm's *Meditatio ad concitandum timorem*;¹¹ he also knew Aelred's rule for recluses.¹² He may or may not have known the *Orationes et meditationes* in an expanded form. In any case, the combination of verbs of seeing and verbs of thinking in these Latin

⁹ Heb 12: 3.

¹⁰ PL 158.709-1016. On the collection and its growth, see A. Wilmart, 'Le recueil des prières de saint Anselme', preface to *Méditations et prières de saint Anselme*, trans. D. A. Castel (Collection Pax 11; Maredsous, 1923), pp. i-lxii; 'Les éditions anciennes et modernes des prières de saint Anselme', communication presented to the Académie des Inscriptions et Belles-Lettres, *Comptes rendus des séances de l'année 1923*, pp. 152-161; 'La tradition des prières de saint Anselme. Tables et notes', *Revue bénédictine* 36 (1924) 52-71; and the articles reprinted in *Auteurs spirituels et textes dévots du moyen âge latin* (Paris, 1932), pp. 145-216. Wilmart tentatively identified *Méditations* 4, 5 and 6 as the work of John of Fécamp; R. W. Southern found these meditations, along with *Meditation 19* and seven of the prayers, in a twelfth-century manuscript from St. Albans (Bodleian MS. Laud Misc. 363), and has now identified the author as Ralph, monk of Caen, prior of Rochester, and abbot of Battle 1107-1124. See 'St. Anselm and His English Pupils', *Medieval and Renaissance Studies* 1 (1941) 14-19, 24-29 and *St. Anselm and His Biographer* (Cambridge, 1963), pp. 34-35, 206-209. On Elmer of Canterbury, identified by Wilmart as the author of *Meditations* 1 and 20, see Jean Leclercq, 'Ecrits spirituels d'Elmer de Cantorbéry', *Studia Anselmiana* 31, *Analecta monastica* 2 (Rome, 1953), pp. 45-62. A useful summary of the background can be found in *The Prayers and Meditations of St. Anselm*, trans. with an introduction by Sister Benedicta Ward, S.L.G., with a foreword by R. W. Southern (Penguin Books, 1973).

¹¹ *Med.* 2 is quoted in Part 3, p. 76, 39b/10-13 and several times in Part 5: p. 157, 82b/28-83a/21; p. 165, 87b/18-21; p. 172, 91b/9-11. These citations were identified by Joy Russell-Smith in her review of *The Ancrene Riwele*, trans. M. B. Salu, with an introduction by Dom Gerard Sitwell and a preface by J. R. R. Tolkien (London, 1955; Notre Dame, Ind., 1956). See *Review of English Studies* N.S. 8 (1956) 426. For the text, see *S. Anselmi opera omnia*, ed. F. S. Schmitt, 3 (Edinburgh, 1946), p. 77/38-43 and pp. 78-79/72-75.

¹² The author of AR refers explicitly to the rule that 'seint ailred þe abbat wrat to his suster', and seems to borrow from the *De inst.* not only at this point in Part 6, p. 187, 99b/13ff., but also in Part 3, pp. 85-86, 44b/7-21. Cf. *De institutione inclusarum* 14-23, ed. C. H. Talbot, CCSL *Continuatio mediaevalis* 1 (Turnhout, 1971), pp. 649-656.

meditations clarifies the meaning of 'bihalden' in a similar context in AR. The importance of the humanity of Christ as a subject of meditation is explained as follows: 'Meditationibus sacris insiste ... Considera igitur ... Vide igitur ... Attende igitur ... Et ecce Redemptor tuus caecatis luminibus collyrium suae incarnationis apposuit, ut quae Deum in secreto majestatis fulgentem videre non poteras, Deum in homine apparentem aspiceres, aspiciendo agnosceres, agnoscendo diligeres, diligens summo studio ad ejus gloriam pervenire satageres. Incarnatus est ut te ad spiritualia revocaret.'¹³ Another author finds a source of hope in meditation on the Passion: 'Habentes ergo ante oculos nostros pretium nostrae redemptionis ... non desperemus.'¹⁴ The Christ who can be seen as if present in the mirror of the Gospel narrative ('virum hunc memorabilem quem in speculo evangelici sermonis quasi praesentem intueris'¹⁵) is a sweeter subject of meditation than the divine creator: 'Jesu bone, quam dulcis es in corde cogitantis de te et diligentis te! Et certe nescio, quia nec plene comprehendere valeo, unde hoc est quod longe dulcior es in corde diligentis te, in eo quod caro es, quam in eo quod Verbum; dulcior in eo quod humilis, quam in eo quod sublimis ... O quam decorus es, Domine Jesu, et quam suavis! Decorus, sed videntibus te; suavis, sed gustantibus te. Nesciris, nisi videaris. Non fis dulcis, nisi gusteris.'¹⁶

Meditation on the life of Christ, and especially on his Passion, is central to the devotional life of the recluses of AR as far as that life is reflected in their rule. The author's own graphic references to the Passion story as well as his quotations from Anselm's description of the last judgment seem to indicate that he was familiar with the technique of imaginatively reconstructing events in the Gospel narrative. The meditations in the Anselmian collection which are based on this method therefore offer fully developed examples of what the author of AR most probably meant when he advised the recluses: 'Bihald 3eorne 7 understont iesu cristes deorewurðe wordes 7 workes' (p. 129, 68b/19-20).

A similar use of 'bihalden' showing its connection with 'penchen' can be found in the contemporary *Hali Meidhad*,¹⁷ and the context of several

¹³ *Med.* 1, attributed to Elmer of Canterbury (see Wilmart, *Auteurs spirituels*, p. 193), PL 158.709-710, 716.

¹⁴ *Med.* 6, attributed to Ralph of Battle (see above, n. 10), PL 158.740.

¹⁵ *Med.* 9, attributed to Eckbert, abbot of Schönau in the diocese of Trèves (d. 1184) (see Wilmart, *Auteurs spirituels*, p. 194), PL 158.755.

¹⁶ *Med.* 12, PL 158.770-772. According to Wilmart, *Auteurs spirituels*, p. 195, this meditation was written by 'an unknown author, perhaps English'.

¹⁷ Ed. N. F. Blake, *Middle English Religious Prose* (London, 1972), p. 44/238 ff.; ed. A. F. Colborn

of the citations from later works in MED (again, often misplaced) leaves no doubt that 'beholding' was used to signify an effort of the imagination inextricably connected with the process of meditation itself. The *Medulla grammaticæ* glosses 'considero' and 'intueor' as 'be helden, behaldyn'.¹⁸ The Pseudo-Bonaventure *Meditation on the Passion* is exactly the kind of meditation advocated by Aelred of Rievaulx in what became *Meditation* 15 of the Pseudo-Anselmian collection. The author advises the reader to 'make hym-selfe present in his thoghte as if he sawe fully with his bodyly eghe all the thyngys þat be-fell abowte þe crosse and þe glorious passione of oure lorde Ihesu ... be-holde & thynke ... Beholde nowe besylle to euey poynte [of the imaginative reconstruction] as if þou were there bodyly.'¹⁹ In Hilton's instructions on meditation in the *Epistle on Mixed Life*, 'beholding' and 'thinking' are hardly distinguishable: 'Also for to thynke of the sayntes of owre lorde, ... byhalde inwardly thaire haly lyffynge.'²⁰ This extension of the meaning of 'behold' may also lie behind Julian of Norwich's distinction between 'see' and 'behold' when, in the long text of the *Revelations*, she says: 'For god is endlesse souereyne truth, endelesse souereyne wysdom, endlesse souereyne loue vmade; and a mans soule is a creature in god whych hath the same properties made. And evyr more it doyth that it was made for; it seeth god and it beholdyth god and it loughth god.'²¹ The idea that man is a created trinity is Augustinian. Julian, clearly, is equating the triads: the trinity is truth, wisdom, love; the soul sees, beholds, loves. She is somehow distinguishing between 'seeing' truth and 'beholding' wisdom.

CNOST 7 DOLC

In the Introduction to AR the author, writing of the two rules which he will expound, remarks of the first: 'þe an riwleð þe heorte 7 madeð

(Copenhagen, 1940), p. 16/235 ff. (Bodley 34 text). Here meditation on the joys of heaven is proposed as a remedy for temptation.

¹⁸ *The Latin-Middle English Glossary 'Medulla Grammaticæ'*, ed. from British Library MS. Harley 1738 by Florence A. Tremblay (Diss. Catholic University of America, 1968), pp. 180, 322.

¹⁹ 'The Privy of the Passion: Bonaventura de mysteriis passionis Iesu Christi', ed. C. Horstman, in *Yorkshire Writers, Richard Rolle of Hampole* ..., 2 vols. (London, 1895-1896), 1. 198-199.

²⁰ Ed. C. Horstman, in *Yorkshire Writers* 1. 286.

²¹ MS. Bibliothèque Nationale Fonds anglais 40, fol. 81. I owe this reference to Rev. Edmund Colledge, O.S.A., who, with Rev. James Walsh, S.J., is preparing an edition of Julian's *Revelations*. I should like to take this opportunity to thank Fr. Colledge for his invaluable help in the preparation of this article.

efne 7 smeðe wið ute cnost 7 dolc of woh inwit' (p. 5, 1a/15-16). The phrase 'cnost 7 dolc' seems to have caused difficulty for the scribes of Nero and Vernon; Nero has 'knotte' (p. 1/13) and Vernon, circumventing the problem altogether, has 'with outen spotte of fulpe of vnriht inwit' (fol. 339c). Cleopatra, however, a most important witness because Scribe B was working on the text at this point, has 'cnost' (pp. 1-2, fol. 4/16-17), and the fourteenth-century Lollard-interpolated version of AR, *The Recluse*, has 'knoost' (p. 1/13). The Latin and French translators, perhaps aware of the source of the image, recognized that the metaphor derived from carpentry: 'illa que cor rectificat et complanat ut sine conuexo aut concauo oblique seu accusantis consciencie' (L p. 5/7-9); '... sanz uene e sans boce de <torte>²² conscience' (Tr p. 161/24), although the French transposes the images: 'without rift or protuberance'.²³ The Trinity text quotes Isidore,²⁴ but the ultimate source of this description of the inner rule is undoubtedly Augustine. Augustine thinks of the will of God as a rule by which what is crooked and twisted can be corrected,²⁵ and the 'recti corde' are those who follow God's will, and not their own, in this life.²⁶ Those who do not accept the will of God 'peruersi autem corde sunt, et prauī et distorti. ... Quomodo distortum lignum, etsi ponas in pauimento aequali, non collocatur, non compaginatur, nec adiungitur, semper agitur et nutat; non quia inaequale est ubi posuisti, sed quia distortum est quod posuisti; ita et cor tuum quamdiu prauum est et distortum, non potest collinari rectitudini Dei, et non potest in illo collocari ut haereat illi, et fiat: Qui adhaeret Domino, unus spiritus est.'²⁷

The word 'cnost' does not appear in NED, and this passage in AR provides the only examples cited in MED. The basic meaning given in MED is 'a lump'.²⁸ Salu, however, taking 'dolc' to mean 'wound', extended this suggestion of imagery from medicine or surgery to her translation of the whole phrase: 'the one [rule] governs the heart and

²² MS. 'tote' makes no sense; I have adopted the variant from MS. Bibliothèque Nationale Fonds français 6276. Cf. p. 163/30-31: 'Car nule rien ne fet la conscience torte e bozuse: fors pecche seulement'. F is damaged and unreadable at this point.

²³ Cf. NED Vein sb. II 6 and Boss sb. 1.

²⁴ *Etymologiarum sive originum libri XX*, ed. W. M. Lindsay, 2 vols. (Oxford, 1911), 6. 16. 1.

²⁵ *Enarrationes in Psalmos*, ed. E. Dekkers, O.S.B. and J. Fraipont, CCSL 38-40 (Turnhout, 1956); *En. in Ps* 93: 15 (CCSL 39. 1319).

²⁶ *En. in Ps* 35: 11 (CCSL 38. 334); *En. in Ps* 124: 4-5 (CCSL 40. 1842-1843).

²⁷ *En. 2 in Ps* 31: 11 (CCSL 38. 242-243). Augustine is quoting 1 Cor 6:17.

²⁸ On 'cnost' see Arne Zettersten, *Middle English Word Studies* (Lund, 1964), pp. 8-9 and *Studies in the Dialect and Vocabulary of the Ancrene Riwe* (Lund, 1965), p. 118.

keeps it untroubled and free from the wounds and tumours of an unhealthy conscience.'²⁹ Had the Corpus text, which Salu translated, read 'knotte', there might be some evidence for rendering that word (not 'dolc') as 'tumour', a sense recorded in NED Knot sb.¹ III 13 and MED Knotte 7(b). Both dictionaries give AR as their first example; the second in NED is Gawain, 1334, 'and lere of þe knot'. When the relevant volume of NED was published in 1933, this meaning had been suggested by J. R. R. Tolkien and E. V. Gordon in their 1925 edition;³⁰ but Norman Davis' revision (1967) notes that the word here means a knot around the gullet of a slain beast, 'tied to prevent the escape of the contents of the stomach',³¹ and MED does not include the Gawain instance under 7(b). Thus NED's first certain example is from *Beryn* (c. 1400), where the noun describes a gouty, knotty finger; MED's first example after AR is from *Lanfrank's 'Science of Cirurgie'* (probably not earlier than 1375). There is no evidence that, almost two centuries before, it was so used.

MED follows Salu by including 'dolc' and its variants under 'dolh n. (OE *dolg*, *dolh*), a sore or wound', but both phonology and sense suggest that it should instead have gone in MED under 'dalk n. 1 (probably from **daluc*, a diminutive of *dael*, valley), (c) a hollow'. This meaning is well illustrated in NED *Dalk*², *delk* (?dim. of *Dale*, *Dell*) where Robert Forby's *The Vocabulary of East Anglia* (London, 1830-1858) is quoted: 'Delk, a small cavity, in the soil, in the flesh of the body, or in any surface which ought to be quite level.'

In one of the Latin poems of the Red Book of Ossory, the writer may well be recalling this metaphor in AR when he prays: '*complana tumida, /Enoda nodulos, et funes ruptia/ Quibus astringimur*', comparing the sinful human condition with roughness to be planed down, knots to be untied, bonds to be broken.³² It is evident that the medieval translators of AR were right, that Salu, Zettersten and MED are wrong, and that the passage describes the task of the inner rule in straightening out what is crooked and smoothing out what is uneven and rough.

²⁹ *The AR*, p. 1 (see above, n. 11).

³⁰ *Sir Gawain and the Green Knight* (Oxford, 1925), p. 104.

³¹ *Sir Gawain and the Green Knight*, ed. J. R. R. Tolkien and E. V. Gordon, 2nd ed. revised by Norman Davis (Oxford, 1967), pp. 111-112 (notes on ll. 1333-1334).

³² *The Latin Poems of Richard Ledrede, O.F.M.*, ed. Edmund Colledge (Toronto, 1974), p. 136. Fr. Colledge informs me that Professor A. G. Rigg will shortly publish, in his edition of the works of Ledrede's confrère and near-contemporary Walter Wimborne, evidence to show that in this and seven other of the Red Book poems Ledrede is extracting from and interpolating one long poem, hitherto unpublished, by Wimborne.

WOH

The more important of the two rules with which AR is concerned is the one which 'riwleð þe heorte 7 madeð efne 7 smeðe wið ute cnost 7 dolc of woh inwit 7 of wreizende þe segge. her þu sunegest. oþer þis nis nawt ibet zet ase wel as hit ahte. þeos riwle is eauer inwið 7 rihteð þe heorte' (p. 5, 1a/15-18). This is the rule of purity of heart, 'þ is cleane 7 schir inwit. consciencia. wið uten weote of sunne þ ne beo þurh schrift ibet. þis madeð þe leafdi riwle þe riwleð 7 rihteð 7 smeðeð þe heorte. 7 te inwit of sunne. for nawt ne madeð hire woh bute sunne ane. Rihten hire 7 smeðin hire is of each religiun ant of each ordre þe god 7 al þe strengðe' (p. 7, 1b/20-26). Salu, continuing the pattern of imagery established by taking 'cnost 7 dolc' as 'wounds and tumours', takes 'woh inwit' in the first instance to mean 'an unhealthy conscience' suffering from 'overscrupulous self-accusations';³³ in the second instance, she translates 'woh' literally: 'it is only sin which makes the heart crooked.' Her rendering of the following phrase, however, is an unwarranted expansion: 'All the virtue of every religion and of every religious order is this: that it should keep the heart untroubled and calm in itself, and well-directed towards its end.'³⁴ The Latin and French translators of AR have no such difficulty with the text: '... nichil obliquat cor nisi peccatum. Vnde rectificare et complanare cor est cuiuslibet religionis perfectio' (L p. 6/13-15); 'Car nule rien ne fet la conscience torte e bozuse: fors pecche seusement. A rectefier donc e a ad drescer cele e a fere la sueue: est tote bonte e tote la force de checune religion' (Tr p. 163/30-33).³⁵ And Scribe B, in correcting the Cleopatra text to read 'woh' in these two instances, gives no hint that he is concerned with scruples rather than realities. He explains 'woh inwit' as follows: 'Ȝef þe concience þ is þe inwit of þi þoht 7 of þin heorte bered wisse i þe seolf tezeines þe seoluen þ tu art i sunne unscriuen 7 þ tu misdest þ 7 þ. 7 hauest þ unþeaw 7 þet. þulli conscience. þullic inwit is woh 7 uilefne³⁶ 7 cnosti 7 dolki. ah <þeos> Riwle efneð hire 7 Madeð hire smeðe 7 softe' (p. 2, note i on fol. 4/20); and he expands 'woh' in the second instance to 'woh. scraggi 7 unefne' (p. 3, note f on

³³ *The AR*, p. 1.

³⁴ *ibid.*, p. 2.

³⁵ Again, F is unfortunately damaged at this point.

³⁶ This word, probably a mistake for 'unefne', does not appear in NED or in the files of MED. I should like to thank the Editor and staff of the MED for their help when I consulted the files of the dictionary in Ann Arbor.

fol. 4v/21). He thus emphasizes the images of crooked and straight, rough (because full of bumps and hollows) and smooth.

NED quotes AR under 'Wough, adj. 2, wrong, evil, bad'; it does not include 'unhealthy' as a possible meaning. MED has no example in its files of 'woh' taken in this sense. Zettersten glosses 'evil, crooked, unhealthy', but does not offer any evidence for 'unhealthy'. (Nor does he include the common meaning 'wrong', which is the only possible translation of one of the examples he cites.³⁷) There seems to be no evidence for taking 'woh' as 'unhealthy' except the misinterpretation of 'dolc'.

Further evidence that 'woh' should be taken in a literal sense here comes from the glosses included (without identification) in the scriptural texts quoted in support of the definition of the inner rule, which point to a tradition of interpreting 'recti corde' as those whose wills are 'in line' with the will of God, not curved or warped away from it. AR reads: 'Pretende inquit psalmista. misericordiam tuam scientibus te per fidem non fictam. ⁊ iusticiam tuam .id est. uite rectitudinem hñs qui recto sunt corde. Qui .s. omnes uoluntates suas dirigunt ad regulam diuine uoluntatis' (p. 6, 1a/21-25). The author has incorporated as glosses material from Peter Lombard's *Commentary* on Ps 35:11 and Ps 31:11: '*Praetende misericordiam tuam scientibus te, recte credentibus scilicet, quod bona a te, mala a se, et iustitiam tuam scilicet vitae rectitudinem, his qui recto sunt corde, qui dirigunt se ad voluntatem Dei, non eam curuant a se ut in omnibus, scilicet prosperis et adversis, laudent Deum.*'³⁸ ... Recti corde sunt qui dirigunt cor secundum voluntatem Dei, quam suae praeponunt...'³⁹ Peter, as might be expected, is largely dependent upon St. Augustine, and it is Augustine's interpretation of 'recti corde' that ultimately lies behind the author of AR's description of the rule that straightens out the crooked heart and conscience. According to Augustine, 'Voluntas Dei sic est quomodo regula: ecce, puta, torsisti regulam; unde habes corrigi? Illa autem integra manet: regula est enim incommutabilis. Quamdiu integra est regula, habes quo te conuertas et corrigas prauitatem tuam, habes unde corrigas quod in te tortum est.'⁴⁰ ... Non recto corde es. Quare? Quia non uis uoluntatem tuam dirigere

³⁷ *Studies in the Dialect and Vocabulary*, p. 223. 'Me leoue sire þu hauest woh' (p. 32, 13b/26) obviously means 'you are wrong'.

³⁸ *Commentarium in Ps* 35: 11 (PL 191.366). For 'recte credentibus' the author of AR substitutes 'per fidem non fictam' from his definition of the inner rule (cf. 1 Tim 1: 5).

³⁹ *Comm. in Ps* 31: 11 (PL 191.324).

⁴⁰ *En. in Ps* 93: 15 (CCSL 39. 1319).

ad uoluntatem Dei, sed Dei uis curuare ad tuam. Illa recta est, sed tu curuus; uoluntas tua corrigenda est ad illam, non illa curuanda est ad te, et rectum habebis cor.⁴¹ As has been mentioned, Augustine compares those whose hearts are 'peruersi ... prauī et distorti' to warped boards that cannot be made to lie flat on a level surface.⁴²

A 'woh inwit', therefore, is a 'bad' as opposed to a 'good' conscience, but the rhetorical elaboration of the whole discussion of rule serves to emphasize the primary meanings of the key words. The notion of rule is presented with a skilful use of 'adnominatio', and the function of the inner rule is then expressed with a 'contentio' developed from the first figure.⁴³ The thematic text of the Introduction is taken from Cant 1:3: 'Recti diligunt te.' What is right ('rectum') in religious life depends upon rule ('regula'), of which there are two kinds, the direction of the heart ('directio') and the ordering of exterior matters ('rectificatio'). The author then translates the scriptural text and continues: 'þe rihte luuieð þe. þeo beoð rihte þe l<i>uieð⁴⁴ efter riwle. ... Monie cunne riwlen beoð. ah twa beoð bimong alle. ꝥ ich chulle spoken of ... þe an riwleð þe heorte 7 makeð efne 7 smeðe wið ute cnost 7 dolc of woh inwit ... þeos riwle is eauer inwið 7 rihteð þe heorte' (p. 5, 1a/1-18). In view of the contrast between the 'woh inwit' with its 'cnost 7 dolc' and the rule which directs it by making it straight, even and smooth, 'woh' is undoubtedly being used here in its primary sense of 'crooked, bent'.

SCHRIFT

'Schrift' in AR means confession,⁴⁵ the penance imposed by the priest as satisfaction for sin,⁴⁶ and confessor.⁴⁷ There is also one instance in which, at first glance, 'schrift' seems to mean contrition, just as the Latin 'poenitentia' can refer to any of the three essential elements of the

⁴¹ *En. in Ps* 35: 11 (CCSL 38. 334).

⁴² *En. 2 in Ps* 31: 11 (CCSL 38. 242-243, quoted above, p. 273).

⁴³ On 'adnominatio' or 'paronomasia', see F. Marx, ed., *Rhetorica ad Herennium*, 2nd ed. corr. (Leipzig, 1964), 4. 21. 29-22. 31; on 'contentio' or 'antithesis', *ibid.* 4. 15. 21 and 4. 45. 58.

⁴⁴ It does not seem possible to make sense of the Corpus reading 'luuieð'; it is probably a scribal repetition of the immediately preceding translation of 'diligunt'. N p. 1/8 has 'libbeð'; C p. 1, fol. 4/10 'liuieð'.

⁴⁵ e.g., Introduction, p. 7, 1b/22; Part 2, p. 37, 17a/5; Part 3, p. 72, 37b/3-5; Part 4, p. 153, 81a/14, and throughout Part 5.

⁴⁶ p. 176, 93b/27.

⁴⁷ e.g., Introduction, p. 8, 2a/16; Part 8, p. 214, 113b/3; *ibid.*, p. 216, 114a/22.

sacrament of penance.⁴⁸ The instruction on confession in Part 5 begins with an explanation of the power of confession against the devil based on an interpretation of the story of Judith, who cut off the head of Holofernes, and then went and showed it to the priests.⁴⁹ As applied to confession, this means that 'þenne is þe feond ischend: hwen me schaweð alle his cweadschipes. his heaued is ihacket of. 7 he isleín i þe mon: sone se he eauer is riht sari for his sunnen. 7 hauedð schrift on heorte. Ah he nis nawt þe 3et ischend: hwil his heaued is ihulet. ... þ is ear þe muð i schrift do ut þe heaued sunne' (p. 154, 81b/6-12). The story of Judith is a vehicle for an explanation which reflects the prevailing solution of the twelfth-century controversy on the necessity for oral confession as well as contrition for an effective reception of the sacrament of penance.⁵⁰ As Peter Lombard concludes:

In perfectione autem poenitentiae tria observanda sunt, scilicet compunctio cordis, confessio oris, satisfactio operis. ... sine confessione oris et solutione paenae exterioris, peccata delentur per contritionem et humilitatem cordis. Ex quo enim proponit mente compuncta, se confessurum, Deus dimittit; quia ibi est confessio cordis, etsi non oris, per quam anima interius mundatur a macula et contagio peccati commissi, et debitum aeternae mortis relaxatur. ... Sicut enim praecepta est nobis interior poenitentia, ita et oris confessio et exterior satisfactio, si adsit facultas: unde nec vere poenitens est qui confessionis votum non habet. ... Oportet ergo, poenitentem confiteri, si tempus habeat; et tamen, antequam sit confessio in ore, si votum sit in corde, praestatur ei remissio.⁵¹

In view of this teaching, which is undoubtedly behind the passage in AR, 'hauedð schrift on heorte' is not a parallel expression for 'riht sari for his sunnen', but rather an explanation or gloss: a man is not *truly* sorry for his sins unless he has confession in his heart ('confessio cordis'), i.e., the intention of going to confession ('confessionis votum').

The thirteenth-century English texts of the AR and the translator of F repeat 'hauedð schrift on heorte' without explanation.⁵² The translators

⁴⁸ See Thomas Chobham, *Summa confessorum* a. 1, q. 1, ed. F. Broomfield (Louvain, 1968), p. 7.

⁴⁹ Jud 13: 1-21.

⁵⁰ On the problem of the necessity of confession, see the extended discussion of the positions of the twelfth-century masters in Paul Anciaux, *La théologie du sacrement de pénitence au XII^e siècle* (Louvain, 1949), pp. 164-274, 392-490.

⁵¹ *Sent.* 4. 16. 1 and 17. 1; *Libri IV Sententiarum*, 2nd ed., 2 vols. (Quaracchi, 1916), 2. 839 and 848-849.

⁵² C p. 220, fol. 136/6-7; N p. 135/4; T p. 104/25-26; F p. 211/8-9 'ad confession en queor'. The fourteenth-century English versions change the text. Vernon has 'haueþ schrift on ende' (fol. 386a) and *Recluse*, although garbled, suggests that it is contrition and a firm purpose of amendment which

of L and Tr, however, expand the phrase so as to remove any doubt about its meaning. The Latin text reads: 'Caput [hostis infernalis] amputatur et ipse in homine occiditur quam cito homo de peccato vere conteritur et habet propositum confitendi' (p. 113/19-21); the Trinity compilation has 'kar donc est la teste au diable coupe en homme e en femme. e il est li treitre tuez. si tost com homme se repent uerraiement. e est de ses pecchez dolent. e purpose en soen quer fermement. ke il se confessera au prestre parfitement' (pp. 47/29-48/3).

The author of AR uses the word 'sar' when he takes up again the necessity of contrition for a good confession (p. 159, 84a/9-12), and his expression for satisfaction is 'penitence. þ is deadbote' (p. 177, 94a/10-11). He speaks also of the 'medecine of schrift 7 bireowsunge' (Part 3, p. 86, 44b/20-21), and of the bitterness 'i sunne bireowsunge 7 i deadbote' (Part 6, p. 190, 101a/6). Concerning the scorpion of lechery he advises: 'schake hit ut wið schrift 7 wið deadbote slea'; lechery is compared to a scorpion because 'þe teil þ is þe ende þrof. is sar ofþunchunge. 7 stingeð her wið atter of bitter bireowsunge. 7 of deadbote' (Part 4, p. 107, 55b/19-20, 56a/8-9). The terms 'bireowsunge', 'schrift' and 'deadbote' are the usual equivalents in the Katherine Group texts of the Latin 'compunctio cordis, confessio oris, satisfactio operis'.⁵³ According to the author of *Hali Meidhad*, those guilty of fornication are doomed to rot in filth 'a thet ha arisen thurh bireowsunge & healen ham with soth schrift and with deadbote'; they are destined for hell 'bute yef bireowsunge areare ham to live. ant heale ham with soth schrift and with deadbote'.⁵⁴ In the life of St. Juliana, the Latin 'peniteat uos' is expanded to 'Bireowsið ower sunnen. 7 saluið wið soð schrift 7 wið deað bote' ('deadbote' in emended text).⁵⁵ A passage in *Seinte Marharete* parallels AR on the power of confession against the devil: 'ah sone se hit [sunne] ischawet bið birewsinde i schrift, þenne scheomeð me [the devil who has appeared to Margaret] þer-wið, 7 fleo

beheads the devil: 'Judyf is schrift on oure tunge þat is þe fende whan men schewen her synnes to þe preest & ben sori þerfore þan schenden hij þe fende whan a man is in wille to done his synnes nomore þat raþer he wolde dyen & draweþ out al þe rote of þe likyng þan is his heued of' (pp. 140/37-141/3).

⁵³ Peter Lombard, *Sent.* 4. 16. 1; see above, n. 51. Thomas Chobham, *Summa confessorum* (above n. 48) uses the phrase 'contritio cordis'.

⁵⁴ Ed. Blake, pp. 42/179-181 and 46/297-298; ed. Colborn, pp. 14/179 and 20/293-295. Colborn notes (p. 113) the conjunction of 'schrift' and 'deadbote' here and in *Sawles Warde*, but he missed the significance of the repetition of the phrase and its inclusion of 'bireowsunge'.

⁵⁵ *þe Liflade ant te Passiun of Seinte Iuliane*, ed. S. R. T. O. d'Ardenne, EETS 248 (London, 1961), p. 65/709-711 (Bodley 34 text). For the text of Royal 17 A XXVII and the Latin life, see p. 64.

ham from, schuderinde as ich ischend were.' Again, there is no parallel in the Latin life.⁵⁶ And Fear, in *Sawles Warde*, warns that a man's sins are inscribed in the devil's book, 'bute þet he haued ibet earþon wið soð schrift and wið deadbote.' The reference to confession and satisfaction is not in the Latin dialogue 'De custodia interioris hominis' which is the source of *Sawles Warde*.⁵⁷

FLESchLICHE SAWLEN

In his instructions on how to deal with temptation the author of AR includes, besides 'hali meditatiuns as of ure lauerd. 7 of alle his werkes. 7 of alle his wordes. of þe deore leafdi 7 of alle hali halhen', the suggestion that 'opres þohtes sum chearre i meadlese fondunges habbed iholpen,' because 'pulliche þohtes ofte i fleschliche sawlen wrenched ut sonre fleschliche temptatiuns: þen sum of þe opre earre' (pp. 124-125, 65b/10-66a/6). G. V. Smithers, a recent commentator on this passage, has remarked that 'it seems a little surprising that the author should (by implication) think of anchoresses as having *fleschliche sawlen*'.⁵⁸ But in the light of the content of the passage itself, the description of the 'fleschlich' anchoress in several earlier passages of AR and traditional terminology concerning the progress of the spiritual life, the phrase 'fleschliche sawlen' is not at all unusual.

The character and the source of the suggested 'thoughts of other things' are themselves clues to the meaning of 'fleschliche sawlen'. This remedy for temptation involves a use of the imagination quite different from that required in 'beholding' the words and works of Christ. On the contrary, the author is suggesting a method by which stray thoughts that would normally be considered distractions may be turned to profit. Considering 'what would you do if you heard people calling "Fire, fire," that the church was burning down? ... Or if someone

⁵⁶ *Seinte Marharete*, ed. F. M. Mack, EETS 193 (London, 1934; rpt., 1958), p. 34/29-31 (Bodley 34 text). The section on the wiles of the devil and the best weapons to use against him (pp. 32/4-36/23) is an expansion of the Latin 'Ego enim pugno cum iustis, incendens renes eorum', etc. (p. 136).

⁵⁷ See *Early Middle English Verse and Prose*, ed. J. A. W. Bennett and G. V. Smithers, 2nd ed. (Oxford, 1968), p. 250/84-85. For the corresponding text in the Latin source, see *Memorials of St. Anselm*, ed. R. W. Southern and F. S. Schmitt, O.S.B. (London, 1969), p. 356/30-32. The editors point out (pp. 354-355) that this work, hitherto printed only as part of a treatise *De anima* ascribed to Hugh of St. Victor (PL 177.185-188), had a wide circulation as an independent work under the name of St. Anselm.

⁵⁸ *Early Middle English Verse and Prose*, p. 405, note on l. 55.

came and told you that your dearest friend, by some miracle, like a voice from heaven, were chosen pope? Or suddenly drowned, slain or murdered?' are not meditations at all. Closer examination of the text also suggests the probable background of the passage. Although the author says that there are 'fowr cunne nomeliche' of thoughts that are useful against temptations of the flesh, he gives examples of only three: 'Dredfule', 'wunderfule ant gleadfule' and 'wunderfule 7 sorhfule'. He seems to have been thinking of the four passions, desire, joy, fear and sadness.⁵⁹ Thoughts arising unbidden from concupiscence are the source of temptation;⁶⁰ the author of AR suggests that thoughts arising from the other passions can be used to supplant them. 'Wonderful' thoughts do not, in fact, figure as a separate category in the examples.

This remedy for temptation, therefore, is a stratagem for those among the recluses who have not yet succeeded in freeing themselves from their own passions so as to be 'all spiritual' as an anchoress should be: 'ancre as ich habbe iseid ah to beon al gastelich zef ha wule wel fleon as brid þ haueð lutel flesch 7 feole fīðeren' (Part 3, p. 74, 38b/15-17). The description of the 'spiritual' anchoress as a bird is a reference to the earlier exegesis of Mt 8:20: 'Twa cunnes ancren beoð þ ure lauere spekeð of. 7 seið i þe godspel. of false 7 of treowe. Vulpes foueas habent 7 uolucres celi nidos. ... Treowe ancren beoð briddes icleopede. for ha leaued þe eorðe. þ is þe luue of alle worltliche þinges. 7 þurh zirnunge of heorte to heouenliche þinges. fleoð uppart toward heouene' (pp. 68-69, 35a/4-6, 35b/22-25). Only those birds fly well that have little flesh and many feathers. Ostriches and other such birds that have 'mucheles flesch' pretend to fly but never get off the ground (p. 70, 36a/11-23).⁶¹ Similarly, 'fleschliche ancre þe liueð i flesches lustes 7

⁵⁹ See Augustine, *De civitate Dei* 14. 3-9, ed. B. Dombart and A. Kalb, CCSL 48 (Turnhout, 1955), pp. 416-430.

⁶⁰ According to Augustine, although the character of the emotion depends entirely on the direction of the will, 'cupidity' or 'concupiscence' is often taken in a bad sense: 'Recta itaque uoluntas est bonus amor et uoluntas peruersa malus amor. Amor ergo inhians habere quod amatur, cupiditas est ... Hoc tamen loquendi obtinuit consuetudo, ut, si cupiditas uel concupiscentia dicatur nec addatur cuius rei sit, non nisi in malo possit intelligi' (ibid., 14. 7 (CCSL 48. 422)).

⁶¹ H. E. Allen found the source of the comparison of the hypocrite to an ostrich in Gregory, *Moralium libri, sive expositio in librum b. Job* 31: 8, 11 (PL 76.578), and noted that the same source is used by Richard Rolle in 'The Nature of the Bee', in *Fourteenth Century Verse and Prose*, ed. Kenneth Sisam (Oxford, 1921), p. 42. See 'Further Borrowings from *Ancren Riwele*', *Modern Language Review* 24 (1924) 14 n. 2. Gregory has the same comparison in *Moral.* 7.28.36 (PL 75.786) and 20. 39. 75 (PL 76. 183), but only in the first-mentioned instance does he pursue it in the direction taken by the author of AR: 'Accipitris quippe et herodii parua sunt corpora, sed pennis densioribus fulta, et idcirco cum celeritate transvolant, quia eis parum inest quod aggravat, multum quod levat. At contra

folheð hire eise: þe heuínese of hire flesch 7 flesches unþeawes bineomeð hire hire fluht. 7 tah ha makie semblant 7 mucho nurð wið wengen: oþres nawt hiren. þ is leote of as þah ha fluhe. 7 were an hali ancre. hwa se zeorne bihalt: lahhæð hire to bismere. for hire uét eauer as doð þe strucoins.⁶² þ beoð hire lustes: draheð to þer eorðe' (ibid., ll. 14-21). Although in some cases an anchoress who 'liueð i flesches lust' might be one who was guilty of unchastity (p. 68, 35a/23-35b/2), a 'fleshly' anchoress is also (and more likely) one who enters an anchorhouse 'forte sechen eise þrin. 7 meistríe 7 leafdischipe. ... þe apostle spekeð to swucche grimliche as o wreadðe. Quis uos fascinauit 7 cetera. vt cum spiritu ceperitis: carne consummamini.⁶³ Me hwuch unseli gast haueð swa bimalscret ow. þ ze i gast bigunnen. 7 i flesch wulleð endin. þe gastelich lif bigunnen i þe hali gast: beoð bicumene al fleschliche. al fleschliche iwurðen lahinde. lihte ilatet. ane hwile lihte iwordet. an oðer luðere iwordet estful. 7 sarcurne. 7 grucchildes. meanildes. and zet þ wurse is cursildes. 7 chidildes bitre 7 attrie wið heorte to bollen' (Part 2, pp. 57-58, 28b/15-29a/5). Here there is no question of 'carnal sin' as that is usually understood. These 'fleshly' anchoresses seek a comfortable life or social dominance in the anchorhouse, laugh too easily or talk too much, grumble and are quarrelsome. They 'begin in the spirit' by their commitment to the anachoritic life, but 'end in the flesh' by not living up to their commitment.⁶⁴ Their

struthio raris pennis induitur, et immani corpore gravatur, ut etsi volare appetat, ipsa pennarum paucitas molem tanti corporis in aera non suspendat' (*Moral.* 31. 8. 12 (PL 76. 579)).

Neither of the texts cited as possible sources by E. J. Dobson in *Moralities on the Gospels, A New Source of 'Ancrene Wisse'* (Oxford, 1975), p. 135, no. 14, deals with this central theme of the passage in AR. It might also be noted that the second text quoted by Dobson is taken almost verbatim from Gregory, *Moral.* 7.28.36 (PL 75. 786), and that Gregory's text confirms the manuscript reading 'quia' which Dobson emends to 'quasi' in the third line of his text.

Gregory is also the source of the description of the ostrich in the bestiary printed among the works of Hugh of St. Victor. Compare *De bestiis et aliis rebus* 1. 37 (PL 177. 35-39) with *Moral.* 31.8.11-31.12.19; 31.15.27 and 31.22.38-39 (PL 76. 578-583, 588-589, 594). On the attribution of the *De bestiis* to Hugh, see Florence McCullough, *Medieval Latin and French Bestiaries* (Chapel Hill, N.C., 1960), p. 30 n. 32.

⁶² Gregory does not mention the ostrich's feet, but according to *Physiologus* it has feet like a camel, hence its Greek name 'struthiocamelos'. See *Physiologus Latinus, Editions préliminaires versio B*, ed. F. J. Carmody (Paris, 1939), p. 48.

⁶³ Gal 3:1, 3.

⁶⁴ Note that the discussion of the passions in Augustine is prefaced by an explanation of what it means to live 'secundum carnem'; see *De civ. Dei* 14. 2-4 (CCSL 48. 414-18). Augustine's interpretation of Gal 5: 19-21 emphasizes that 'opera carnis' include not only those things which pertain to the pleasures of the flesh, but also spiritual vices: 'Quis enim seruitutem, quae idolis exhibetur, ueneficia, inimicitias, contentiones, aemulationes, animositates, dissensiones, haereses, inuidias non potius intellegat animi uitia esse quam carnis?' (14. 2 (CCSL 48. 416)).

commitment is to row against the current of the world's temptations⁶⁵ and to dig for the treasure that lies in heaven.⁶⁶ The spiritual life is seen as a constant struggle to 'waden up of unþeawes. creopen ut of flesch. breoken up ouer hire. astihen up on ow seolf wið heh poht toward heouene' (pp. 58-59, 29a/16-29b/13).

The opposition between the flesh and the spirit described by St. Paul became a commonplace in spiritual writers, who saw the spiritual life as a progress out of the world of the flesh into the world of the spirit. According to Origen, 'when the soul subjects itself to the pleasures of the flesh, it makes the man carnal, but when it unites itself to the spirit, it makes the man to live in the spirit and because of this, he is called a spiritual man'.⁶⁷ Origen's theory, founded on St. Paul, of the three stages of the spiritual life, that of the beginners, of those who are making progress and of the perfect, was taken up by John Cassian and, through both sources, was very influential.⁶⁸ St. Bernard, for example, preaching to the monks of Clairvaux, explains 'carnal' love as the devotion of the beginner, who is still tied to the world of the senses and whose preferred subject of meditation is the humanity of Christ.⁶⁹ And William of St. Thierry addresses an extended analysis of the 'animal' man, the 'rational' man and the 'spiritual' man — and all three, he says, are found in every religious institute⁷⁰ — to the Carthusians of Mont Dieu. It should cause no surprise, therefore, that the author of AR suggests a special remedy for temptations of the flesh for the beginners among his audience.

Salu's translation of 'fleschliche sawlen' as 'carnal minds' is therefore

⁶⁵ Cf. Gregory, *Regula pastoralis* 3. 34 (PL 77.118).

⁶⁶ Cf. Gregory, *Moral.* 5. 5. 7-8 (PL 75.683-684).

⁶⁷ *De principiis* 3. 4. 3 (PG 11.323). Translation taken from William of St. Thierry, *Exposition on the Song of Songs*, trans. Columba Hart, O.S.B., Introduction by J. M. Déchanet, O.S.B., *The Works of William of St. Thierry* 2 (Spencer, Mass., 1970), p. xxxi n. 71.

⁶⁸ For a discussion of Origen's theology of the spiritual life, see Jean Daniélou, *Origène* (Paris, 1948), pp. 287-301. Déchanet has a short summary, and a discussion of Origen's influence on William of St. Thierry, in the translation of William's *Exposition on the Song of Songs*, pp. xxviii-xxxix. See also p. 11 n. 34. For the text of Cassian, see *Conlationes XXIII*, ed. Michael Petschenig, CSEL 13 (Vienna, 1886), *Conl.* 4. 19 (pp. 112-115).

⁶⁹ *Sermones super Cantica Canticorum* 1-35, ed. J. Leclercq, C. H. Talbot and H.-M. Rochais, *S. Bernardi opera* 1 (Rome, 1957), *Serm.* 20. 4. 5 ff. (pp. 117-121). See also *De diligendo Deo* 8. 23-25 and 15. 39-40 in *Tractatus et opuscula*, ed. J. Leclercq and H.-M. Rochais, *S. Bernardi opera* 3 (Rome, 1963), pp. 138-140, 152-154. On the meaning of carnal love in Bernard, see Etienne Gilson, *The Mystical Theology of Saint Bernard*, trans. A. H. C. Downes (London, 1940), pp. 37 ff., 85-90; on the carnal love of Christ, pp. 79-84.

⁷⁰ *Un traité de la vie solitaire. Epistola ad fratres de Monte-Dei*, ed. M.-M. Davy (Paris, 1940), 24 (p. 82).

adequate,⁷¹ although a literal translation 'souls' in the sense 'persons' would be better.⁷² The anchoresses to whom the author of AR directs these remedies for temptations of the flesh do not *have* carnal souls, they *are* carnal souls; they are unspiritual persons to the degree that they cannot easily free themselves from such temptations. There is no need, then, to question the reading or to suggest, as Smithers does, that the Trinity text, emended according to the variant readings, 'teus pensers souent <de> charneus amis en chacent plus tot charneus temptacions ... often such thoughts of friends in the flesh dispel temptations of the flesh' (Tr p. 21/8-9), gives a smoother sense and may therefore be original.⁷³

WORTLICHE

Reflecting on the presumptuous 'feble mon' who thinks that his religious garb renders him immune to temptation from the sense of sight,⁷⁴ the author of AR concludes: 'ze mīne leoue sustren zef ei is anewil to seon ow: ne wene ze per neauer god: ah leueð him þe leasse' (p. 33, 14b/22-24). A similar warning occurs in the discussion of speech. After a general caution about visitors (p. 35, 15b/18-23), the author gives the recluses a formula for greeting a priest, but advises them: 'hercnið hise wordes 7 haldedð ow al stille. ... Eve heold i parais long tale wið þe neddre. ... Vre leafdi seinte Marie dude al on oþer wise' (p. 35, 15b/24-16a/13). Only in the case of a spiritual adviser should the recluse ask advice concerning her temptations and discuss them openly. But there is even more need of caution in this connection: 'To sum gastelich mon þ 3e beoð trusti upon as 3e mahe beon o lut: god is þ 3e easki read 7 salue þ he teache ow tozeines fondunges. 7 i schrift schawið him zef he wule iheren ower greaste 7 ower ladlukeste sunnen. ... Set multi ueniunt ad uos in uestimentis ouium intrinsecus autem sunt lupi rapaces. ... wortliche leueð lut. religiuse zet leas. ne wilne ze nawt to muchel hare cuððunge. Eue wið ute dred spec wið þe neddre. Vre leafdi wes offearet of gabrieles speche' (p. 36, 16a/27-16b/13). In Corpus (pp. 36-37, 16b/13-17a/2) and in F (p. 56/11-57/5) a passage

⁷¹ *The AR*, p. 108.

⁷² See NED Soul, sb. 12. NED's only example before 1320 is from Aelfric, but MED has in its files citations contemporary with AR from *Vices and Virtues*, ed. F. Holthausen, EETS 89 (London, 1888), pp. 3/7, 13/29, 21/26, 25/2.

⁷³ See above, n. 58.

⁷⁴ See below, p. 287.

immediately follows in which the author claims that the Friars Preachers and Friars Minor are 'of swuch ordre' that they can be trusted when any of them 'purh chearite kimeð ow to learen 7 to frourin i godd', and he gives the recluses a confession formula to use if the visiting friar is a priest.⁷⁵

Salu translates 'worldliche' at 16b/10 'people of the world'.⁷⁶ But since the recluses are not to allow themselves to be seen by anyone without permission (p. 33, 14b/24-26), and are not to converse even with priests, still less with laymen (p. 35, 15b/23-16a/8; pp. 38-39, 17b/24-18a/11), and since the immediate context is advice about spiritual direction, as the addition in Corpus and F confirms, it is possible that the author of AR is referring here to *priests* in the world, i.e., the secular clergy, as opposed to those who have taken monastic vows and are 'religiuse', i.e., members of religious orders.⁷⁷ As a comment on 'monie cumeð to ow ischrud mid lombes fleos',⁷⁸ i.e., in the guise of a 'gastelich mon', the advice 'Do not trust laymen very much, and religious even less' does not make especially good sense. Given the context, it is more likely that the author is taking another opportunity to warn the recluses against the kind of visitor who 'wule iseon zunge ancrs' (p. 33, 14b/8) under the pretext of offering spiritual counsel.⁷⁹

The evidence of the translations of AR is inconclusive, but does not eliminate this possibility. The Latin version omits the passage. The

⁷⁵ On the involvement of the friars in pastoral work in England and the conflict with the secular clergy that it eventually generated, see Dom David Knowles, *The Religious Orders in England*, 3 vols. (Cambridge, 1948-1959), 1. 180-193. Despite the requirement of Canon 21 of Lateran IV that everyone should confess once a year 'proprio sacerdoti', chapter 45 of the synodal statutes of Bishop Peter des Roches for the diocese of Winchester (1224?) gives permission for the faithful to go to confession to the Dominicans any time they wish outside of Lent, and even during Lent if they have their own priest's permission. The Franciscans are mentioned as well in the corresponding chapter (81) of the second statutes of Winchester (1247?). For the text from the Lateran Council, see *Conciliorum oecumenicorum decreta*, ed. Centro di Documentazione, Istituto per le Scienze Religiose, Bologna, 2nd ed. (Freiburg im Breisgau, 1962), p. 221; for the Winchester statutes, see *Councils and Synods, with Other Documents Relating to the English Church, II (1205-1313)*, ed. F. M. Powicke and C. R. Cheney, 2 vols. (Oxford, 1964), 1. 133 and 415.

⁷⁶ *The AR*, p. 29.

⁷⁷ See NED, Religion, 1 and 2; Religious A. 2 and B. 1 and 2.

⁷⁸ Mt 7:15, cf. 24:5. It is perhaps worth noting that this text is behind the satire on the hypocrisy of the clergy in *Roman de la Rose* 11123-11158, ed. Ernest Langlois, 5 vols. (Paris, 1914-1924), 3. 188-189. This passage is included in *The Romaunt of the Rose* 6259-6294, in *The Works of Geoffrey Chaucer*, ed. F. N. Robinson, 2nd ed. (Boston, 1957), pp. 623-624.

⁷⁹ This kind of visiting was evidently a common problem. Cf. Lateran III, canon 11: 'Monasteria praeterea sanctimonialium si quisquam clericus sine manifesta et necessaria causa frequentare praesumpserit, per episcopum arceatur, et si non destiterit a beneficio ecclesiastico reddatur immunis' (*Conc. oecum. dec.*, pp. 193-194).

French versions, however, have '(Les) seculers ... religious' (F p. 56/4-6; Tr p. 181/4-5). Godefroy cites the *Bible* of Guiot de Provins (beginning of the thirteenth century)⁸⁰ and the *Myreur des histoires* of Jean d'Outremeuse (1338-1400) to illustrate 'seculer' meaning 'par opposition à régulier, et en parlant d'ecclésiastique, qui vit dans le monde'.⁸¹ 'Les clers seculers' appear in the *Roman de la Rose*,⁸² and 'seculer' is opposed to 'religieus' as 'siele' is opposed to 'cloistre':

Qui Faus Semblant voudra quenoistre,
Si le quiere au siecle ou en cloistre.
Nul leu, fors en ces deus, ne mains,
Mais en l'un plus, en l'autre meins;
Briement je me vois osteler
La ou je me cuit meauz celer;
S'est la celee plus seüre
Souz la plus umble vesteüre.
Religieus sont mout couvert,
Seculer sont plus aouvert.⁸³

According to Langlois, 'siele est ici synonyme de "clergé séculier"', and 'seculer et religieus représentent le siecle et le cloistre'.⁸⁴ The Middle English *Romaunt* renders 'au siecle' by 'worldly folk':

That wight that list to have knowing
Of Fals-Semblant, full of flatering,
He must in worldly folk hym seke,
And, certes, in the cloistres eke.
I wone nowhere but in hem tweye,
But not lyk even, soth to seye;
Shortly, I wole herberwe me
There I hope best to hulstred be;
And certeynly, sikerest hidyng
Is undirnethe humblest clothing.
Religiouse folk ben full covert;
Seculer folk ben more appert.⁸⁵

⁸⁰ *Histoire littéraire de France* 18 (Paris, 1895), p. 808.

⁸¹ *Dictionnaire de l'ancien français, complément*, s.v. 'seculer'.

⁸² l. 11862 (3.218; cf. n. 78).

⁸³ ll. 11007-11016 (3.183; cf. n. 78).

⁸⁴ See Langlois' notes on ll. 11008 and 11018 (3.308; cf. n. 78).

⁸⁵ ll. 6139-6150 (p. 622; cf. n. 78). This passage is cited in NED, Worldly, a. 3, 'Of or belonging to the world (as distinguished from the church or the cloister); secular; occas. † lay. Obs.' Robinson notes that 'worldly folk, Fr. "au siecle", ... apparently means the secular clergy as opposed to the regular orders' (p. 880, note on l. 6141).

If the English translator took the target of the satire here to be the secular clergy and the regulars, then this text is confirmation that 'worldly' could be used to identify clergy living in the world.

LOKE CAPE

In his advice to the recluses on the custody of the eyes, the author of AR uses the example of David, who was tempted by Bathsheba, 'se hali king as he wes 7 godes prophete'. The text continues: 'Nu kimeð forð a feble mon. halt him pah ahelich 3ef he haued a wid hod 7 a loke cape 7 wule iseon 3unge ancras. 7 loki nede ase stan hire wlite him liki: þe naued nawt hire leor forbearnd i þe sunne. 7 seið ha mei baldeliche iseon hali men. 3e swuchhe as he is for his wide sleuen' (p. 33, 14b/6-11). The 'loke cape' is a 'cappa clausa', as is shown by the Latin and French translations: 'capam clausam' (L p. 13/19); 'vne chope close' (F p. 40/14; cf. Tr p. 174/1).

There is some evidence to suggest that 'loke cape' may be a specific allusion to the secular clergy. In reviewing the evidence which points to a date for AR after the Lateran Council of 1215, Dobson notes the regulations in Bishop Richard Poore's Salisbury Constitutions (now dated 1217-1219⁸⁶) and in Archbishop Stephen Langton's Council of Oxford in 1222 requiring priests to wear the 'cappa clausa'.⁸⁷ And Benedict Hackett, in his recent discussion of the statutes of the University of Cambridge, shows that the regent masters in theology, canon law and arts were to wear the 'cappa clausa', and notes that this regulation was in line with the decree of the Council of Oxford.⁸⁸ Hackett describes the 'closed cope' as follows: it was 'worn over the clerical dress and, as the name suggests, resembled the liturgical cope. It was a sleeveless, ample garment, reaching down from the shoulders to the ankles and covering them. Unlike the ceremonial cope, it was sewn down the front, where there was an opening in the center for the hands.'⁸⁹ Hackett further states that 'members of religious orders at universities wore their own habit; as regents they did not wear the *cappa clausa* or *pallium*,⁹⁰ which in any case were the dress of secular clerks,

⁸⁶ *Councils and Synods* 2. 1. 57.

⁸⁷ 'Date and Composition', 190 and n. 3.

⁸⁸ *The Original Statutes of Cambridge University, the Text and Its History* (Cambridge, 1970), pp. 79-80.

⁸⁹ *ibid.*, p. 147. The teaching master's closed cope is illustrated in Mary G. Houston, *Medieval Costume in England and France. The 13th, 14th and 15th Centuries* (London, 1939), p. 155, fig. 271.

⁹⁰ This is not the episcopal 'pallium', but a 'cappa' with two slits for the hands instead of one. It is illustrated in Houston, *ibid.*, fig. 267.

and religious were forbidden by canon law and their constitutions to wear it.⁹¹ If religious were forbidden to wear the 'cappa clausa', then 'loke cape' in AR identifies a secular priest rather than a monk or friar.

There are, however, some difficulties in regarding a 'cappa clausa' as a mark of the secular clergy alone and in taking 'loke cape' in AR as a specific allusion to them. The Salisbury and Oxford regulations echo Canon 16 of the Fourth Lateran Council, which does not deny a closed cloak to anyone, but simply requires that 'clerici ... clausa deferant desuper indumenta' and forbids extravagant dress of any kind.⁹² Edmund Bishop, in his article 'The Origin of the Cope as a Church Vestment', while noting that the 'cappa clausa' was enjoined on the clergy by synods and statutes during the later Middle Ages,⁹³ also quotes a regulation from the council of Aix-la-Chapelle in 817 prescribing 'cap-pae' sewn up in front for monks.⁹⁴ H. E. Allen follows Bishop in her comments on this passage in AR. She states that the 'close cope' was 'required of all religious persons'. Her note, however, indicates that the 'cope' was usually associated with the canons,⁹⁵ and according to Joan Evans 'canons were distinguished by surplices within the choir and long, black, circular closed cloaks, usually hooded, outside'.⁹⁶ But J. C. Dickinson's summary of the outer garments of the Augustinian canons includes a long cassock lined with sheepskin ('pellicea'), a long linen rochet with wide sleeves, an amice ('almicia, almutium', originally a short cape put on like a shawl, which was later joined at the breast and put on over the head), and a cope ('cappa'), which was regarded as the distinguishing mark of a canon. The cape worn outdoors was a hooded 'cappa pluvialis'.⁹⁷ The ordinary outer habit of the Victorines is described by Bonnard as consisting in 'une longue tunique de lin, ou

⁹¹ *Original Statutes*, p. 149.

⁹² *Conc. oecum. dec.*, p. 219. For the text of Salisbury I, Canon 11, see *Councils and Synods* 2. 1. 63-64. Hackett quotes the relevant portion of Oxford 1222, Canon 33, *Original Statutes*, p. 80 n. 1; for the complete text, see *Councils and Synods* 2. 1. 116.

⁹³ *Dublin Review* (January 1897), p. 24. On the liturgical cope, see also Joseph Braun, *Die liturgische Gewandung im Occident und Orient* (Freiburg im Breisgau, 1907; rpt. Darmstadt, 1964), pp. 306-358.

⁹⁴ Bishop, 'Origin of the Cope', 18. See also Braun, *Die liturgische Gewandung*, pp. 307-308.

⁹⁵ 'The Origin of the Ancien Riwle', *Publications of the Modern Language Association* 33 (1918) 524-525 and n. 75.

⁹⁶ *Dress in Medieval France* (Oxford, 1959), p. 68. The choir habit can be seen in *Vita sancti Augustini imaginibus adornata* (MS. Boston Public Library 1483, 15th cent.), ed. Pierre Courcelle, with iconographical commentary by Jeanne Courcelle-Ladmirant (Paris, 1964), plate facing p. 246. The canons are shown wearing white surplices with fairly wide sleeves and short black capes.

⁹⁷ *The Origins of the Austin Canons and Their Introduction into England* (London, 1950), p. 185. See the frontispiece for an illustration.

surplis à large manches, tombant presque jusqu'aux pieds et recouverte d'une chape de drap noir à laquelle s'adaptait un capuce assez ample pour couvrir la tête et les épaules. ... ils avaient parfois, en été par exemple, la faculté de laisser leur chape et de prendre sur le surplis un simple capuce.'⁹⁸ This description closely parallels the figure in AR, who has 'a wid hod 7 a loke cape ... wide sleuen'. That the 'cappa' of the regular canons was 'closed', but not perhaps in the same way as the 'cappa clausa' worn by masters in the university, is suggested by the description of it quoted in DuCange: 'CAPA Clericorum Regularium in libro Ordinis sancti Victoris Parisiensis cap. 18. *Brevior superpellicio vel tunica uno plena palmo, undique rotunda esse debet, & ante non nimis alte sissa.*'

Salu, therefore, is undoubtedly right to choose the least specific and clearest translation of 'loke cape', i.e., 'closed cloak',⁹⁹ and since the 'cappa' was, as Bishop and Evans point out, an ordinary everyday outer garment, adopted by some of the religious orders as well as enjoined on the seculars,¹⁰⁰ it is impossible to limit the allusion in AR here to the seculars.

An equally puzzling allusion to religious dress occurs in the Introduction to AR, where the 'cappa clausa' is mentioned in one of the French translations. The author is making the point that true 'religion' does not lie in the habit. Nero and Cleopatra read: 'herinne is religiun 7 nouit ipe wide hod. ne ipe blake ne ipe hwite ne ipe greze kuuele' (N p. 5/14-15; cf. C p. 11, fol. 7v/17-19). This seems to refer to all religious, whether wearing a black, white or grey cowl.¹⁰¹ H. E. Allen suggests that this refers to the Benedictines, the Cistercians and the monks of Savigny.¹⁰² Corpus, however, reads: 'nawt i pe wide hod ne i pe blake cape. ne i pe hwite rochet ne i pe greie cuuel' (p. 10, 3b/17-19). This reading occurs also in F (p. 9/12-14), in L (p. 8/10-12) and, with the 'blake cape' changed to a 'chape close', in Tr (p. 168/20-22). Here the wide hood does not help to specify the allusion, but the black

⁹⁸ Fourier Bonnard, *Histoire de l'abbaye royale et de l'ordre ... de St. Victor de Paris*, 2 vols. (Paris, 1907), 1. 58 and n. 2, which describes two manuscript portraits of Godfrey of St. Victor, one in the complete habit and one in the summer habit, without the cape.

⁹⁹ *The AR*, p. 24.

¹⁰⁰ Bishop, 'Origin of the Cope', 18-19, 24; Evans, *Dress in Medieval France*, p. 74.

¹⁰¹ NED Cowl sb.¹ 1. 'A garment with a hood (*vestis caputiata*), worn by monks ...'. But on the difficulty of knowing what is meant by 'cappa' or 'cuculla' see Edmund Bishop, 'Origin of the Cope', 18-19. See also DuCange, s.v. 'capa', 'cuculla'.

¹⁰² 'Origin of the *Ancren Riwe*', 423.

cape suggests the canons regular, who were known as 'black canons' because of their use of a black cloak when outside the monastery.¹⁰³ The Latin translation, 'nigra capa', might equally well refer to the 'choir cope' worn by the clergy of cathedral and collegiate churches as well as the regular canons at divine office.¹⁰⁴ It was permanently sewn at the neck, but was open from the breast downwards and had a hood attached.¹⁰⁵ A white rochet or surplice was characteristic of bishops and abbots,¹⁰⁶ but, as has been mentioned, a long linen rochet with wide sleeves was also worn by the Augustinian canons. The grey cowl is retained from the first version of the text.

The Corpus MS. and F are both important witnesses to the text of AR,¹⁰⁷ and it seems that the reviser wanted to broaden the original reference. If he also intended to add a specific allusion to the canons here, then this textual change, and possibly the 'loke cape' reference, should be added to the small but suggestive body of evidence connecting the Corpus MS. and the *Riwe* itself with the Augustinian canons.¹⁰⁸

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¹⁰³ J. C. Dickinson, *Origins of the Austin Canons*, p. 185, *Monastic Life in Medieval England* (London, 1961), p. 76.

¹⁰⁴ Bishop, 'Origin of the Cope', 24. On the 'capa nigra' see Houston, *Medieval Costume*, p. 93, fig. 155 and p. 149. On the 'cappa choralis' see also Braun, *Die liturgische Gewandung*, pp. 353-355.

¹⁰⁵ Houston, *Medieval Costume*, pp. 38-39 and fig. 49.

¹⁰⁶ NED Rochet '2. Eccl. 'A vestment of linen, of the nature of a surplice, usually worn by bishops and abbots.' See DuCange, s.v. 'rochetum, roquetum.' Rochets and surplices are more fully discussed in Braun, *Die liturgische Gewandung*, pp. 125-148.

¹⁰⁷ See Dobson, 'Affiliations', especially 129-132, 163; 'Date and Composition', especially 193-206, and his edition of MS. Cleopatra C. VI, pp. x-xi.

¹⁰⁸ See D. S. Brewer, 'Two Notes on the Augustinian and Possibly West Midland Origin of the *Ancrene Riwe*', *Notes and Queries* 201 (1956) 232-234 and *Early Middle English Verse and Prose*, pp. 402-403.

OCKHAM ON THE POSSIBILITY OF A BETTER WORLD

Armand Maurer, C.S.B.

IN his William James lectures, published under the title *The Great Chain of Being*, Arthur Lovejoy formulated 'the Principle of Plenitude' which he found latent in the philosophy of Plato. This Platonic principle asserts that the universe is full of all conceivable kinds of living things; 'that no genuine potentiality of being can remain unfulfilled, that the extent and abundance of the creation must be as great as the possibility of existence and commensurate with the productive capacity of a "perfect" and inexhaustible Source...'¹ According to Lovejoy, this principle of plenitude passed through Neoplatonism into the theology and cosmology of medieval Christendom, and from there it had an enormous impact on modern Western thought. It was this principle, for example, that led Leibniz to affirm that this is the best of all possible worlds. For if God, the creative source of the world, is all-good and perfect, he cannot fail to have produced all conceivable forms of being, from the highest to the lowest, and to have fashioned them in the best possible manner.²

Lovejoy further argued that this principle, introduced into medieval thought especially by St. Augustine and Dionysius, came into conflict with the Christian doctrine of the freedom and omnipotence of the Creator God. The Platonic view of the necessary diffusion of the divine goodness to the full range of its power and the Christian dogma of the freedom of God in creation produced an internal strain in medieval

¹ Arthur O. Lovejoy, *The Great Chain of Being. A Study of the History of an Idea* (New York, 1936), p. 52.

² *ibid.*, pp. 144-182. For Leibniz' doctrine, see his *Theodicy*, 194, trans. E. M. Huggard (London, 1951), pp. 248-249; *The Monadology*, 53-60, trans. R. Latta (Oxford, 1898), pp. 247-250; *The Principles of Nature and Grace*, in T. V. Smith and M. Greene, *From Descartes to Kant* (Chicago, 1940), p. 364.

theology. St. Thomas Aquinas was especially criticized by Lovejoy for affirming the principle of plenitude 'quite unequivocally and unqualifiedly', while at the same time holding that 'though the divine intellect conceives of an infinity of possible things, the divine will does not choose them all; and the existence of finite things is therefore contingent and the number of their kinds is arbitrary'.³ The only medieval schoolmen, Lovejoy contended, for whom this conflict of ideas did not arise were the 'extreme anti-rationalists', particularly the Scotists and William of Ockham. These men 'held the arbitrary and inscrutable will of the deity to be the sole ground of all distinctions of value'.⁴ Consequently they posited no rational basis of the goodness of creatures but solely the will of God. As a consequence of their voluntarism, they maintained that 'the world contained whatever it had pleased its Maker to put into it; but what sort of creatures, or how many of them, this might mean, no man had any means of judging, except by experience or revelation'.⁵

The conflict of ideas that Lovejoy alleged to have occurred in St. Thomas' thought through his acceptance of the principle of plenitude is not our present concern. It has been convincingly shown that this conflict is not really present in Thomism but is of Lovejoy's own making.⁶ Unlike the Neoplatonists, St. Thomas did not hold that the world emanated necessarily from its divine source, but rather that it was created by a self-sufficient and autonomous God, who out of his goodness and generosity freely willed to share his perfection with creatures. The only necessary object of God's will is himself; he wills creatures not because of any need on his part but as a free expression of his goodness. Neither do we intend to discuss the supposed anti-rationalism of Duns Scotus and his followers. Recent studies have shown that according to Scotus there is nothing irrational in the works of God; that in fact he assigned a central role to the divine intellect in determining

³ Lovejoy, *ibid.*, p. 75.

⁴ *ibid.*, p. 70.

⁵ *ibid.*

⁶ See A. C. Pegis' reply to Lovejoy in *Saint Thomas and the Greeks* (Milwaukee, 1939); also H. Veatch, 'A Note on the Metaphysical Grounds for Freedom, with Special Reference to Professor Lovejoy's Thesis in "The Great Chain of Being"', *Philosophy and Phenomenological Research* 7 (1947) 391-412, and A. Lovejoy's reply, pp. 413-438. A. C. Pegis, 'Principale Volitum: Some Notes on a Supposed Thomistic Contradiction', *ibid.*, 9 (1948) 51-70; A. Lovejoy, 'Necessity and Self-Sufficiency in the Thomistic Theology: A Reply to President Pegis', *ibid.*, 71-88, and A. C. Pegis' reply, *ibid.*, 89-97; A. Lovejoy, 'Comment on Mr. Pegis's Rejoinder', *ibid.*, 284-290, and A. C. Pegis' reply, *ibid.*, 291-293.

good and evil.⁷ This paper focuses rather on the case of William of Ockham. Did he in fact reject the principle of plenitude, and if so, on what grounds: philosophical or theological? More particularly, what were his views on the possibility of a better world? Could God create a variety of worlds the same or different from our own, and better than ours? The answers to these questions reveal Ockham as both a theologian and a philosopher, anxious to maintain the Christian truth of the freedom and omnipotence of God, but at the same time careful to do justice to the rational claims of the philosophers who uphold the principle of plenitude.

I

In the course of commenting on the *Sentences* of Peter Lombard, Ockham reached the point where the Lombard treats of the power and omnipotence of God. The Lombard takes the orthodox Christian stand that God is all-powerful, and in this connection he criticizes theologians such as Abelard, who in his view restricted the power of God by denying that he can create things he has not created or make them better than he has made them. Of course, God could not beget a Son better than the one he did, as St. Augustine correctly points out, but this is because the Son is equal to the Father. But when it is a question of creatures, who are not equal to God or consubstantial with him, he can make others better than those he has created, and he can make those he has created better than they now are.⁸

On the occasion of these remarks of Peter Lombard, his medieval commentators were accustomed to discuss at length problems concerning God's power to create, the range of his creative power, his freedom to create or not create, and the possibility of his creating a bet-

⁷ 'Ainsi, Duns Scot enseigne simultanément qu'il ne peut y avoir d'arbitraire irrationnel dans les œuvres de Dieu, mais que le choix (non l'essence) de chaque ordre rationnel dépend de sa volonté. C'est en ce sens qu'il faut entendre les déclarations relatives au bien et au mal, qui semblent le soumettre à l'arbitraire du vouloir divin' (E. Gilson, *Jean Duns Scot* (Paris, 1952), p. 611).

⁸ Peter Lombard, *Sententiae in IV Libris Distinctae*, l. 1, d. 44, c. 1 (Grottaferrata, 1971), pp. 303-304. The Lombard refers to certain *scrutatores* who claimed that God cannot make something better than he has made it, for if he could and did not he would be envious and not supremely good (p. 304, lines 1-4). This is a reference to Abelard (p. 303, n.). See Abelard, *Theologia Christiana*, 5 (PL 178. 1326B-1327B); *Theologia 'Scholarium'* 3. 5 (PL 178. 1093 D, 1094C). The reference to Augustine is from Abelard (ibid., 1054A), *In libro quaestionum* 83, 50 (PL 40. 31-32). St. Thomas also refers to this position of Abelard, whom he calls 'magister Petrus Almalareus' (Almarareus), in *De potentia Dei*, 1.5.

ter world. Ockham follows this tradition with a series of Questions on the divine power, two of which are especially important for his views on the principle of plenitude. They are: Can God make things he has not made nor will make? (1 *Sent.* 43, 1), and: Can God produce a world better than this world? (1 *Sent.* 44, 1).

In his discussion of the first question, Ockham begins by assuming that God is the efficient cause of things.⁹ The assumption is obviously necessary, for if God were not their efficient cause there would be no point in inquiring whether he can make something he has not made nor will make. Now this assumption is not groundless, in Ockham's view, for it rests not only on the Christian faith but also on the teaching of philosophers such as Aristotle. In his early work, the commentary on the *Sentences*, Ockham interprets Aristotle as holding that God is the efficient cause of the celestial Intelligences and through them the remote cause of all other things.¹⁰ He rejects the opposing interpretation, that God is not the efficient cause of the world but only its final cause, moving it solely as an object of love.¹¹

Ockham's reading of Aristotle at this early stage was clearly influenced by Duns Scotus and, before him, by Avicenna. Like Scotus, Ockham thought that according to the mind of Aristotle God is the efficient cause of the total being of the Intelligences, who in turn produced the sublunar world.¹² The obvious objection to this Neoplatonic understanding of Aristotle is that he defines an efficient cause as 'the source of the beginning of motion'.¹³ Since God does not bring the Intelligences into being by moving or changing matter but by producing their total being, they cannot be efficiently produced by God. Ockham meets this difficulty by distinguishing between two Aristotelian uses of the term 'efficient cause'. In one sense an efficient cause brings about its effect by moving or changing matter; in another sense it is 'that at whose existence there follows the existence of some-

⁹ 'Circa istam quaestionem primo supponendum est quod Deus est causa effectiva rerum'; 1 *Sent.*, 43.1B (Lyons, 1495).

¹⁰ 'Intentio ergo Philosophi est quod Deus ut (*leg.* est) causa immediata et totalis omnium substantiarum separatarum; sed generabilium et corruptibilium (secundum eum) non est causa immediata nec totalis nec partialis, sed tantummodo mediata'; 2 *Sent.*, 6C.

¹¹ *ibid.*, A.

¹² Scotus, *Rep. Paris.*, 2.1.3, nn. 5-9; 22 (Paris, 1894), pp. 532-536. See E. Gilson, *Jean Duns Scot*, pp. 331-332. For Avicenna's doctrine of creation, see L. Gardet, *La pensée religieuse d'Avicenne (Ibn Sina)* (Paris, 1951), pp. 62-68.

¹³ '... sed Deo non convenit diffinitio causae efficientis, quia quinto Physicorum et alibi frequenter dicit Philosophus quod causa efficiens est unde principium motus...', Ockham, 2 *Sent.* 6B. See Aristotle, *Metaphysics*, 5.2. (1013a29); *Physics*, 2.3 (194b29-31).

thing else'. In this second meaning of the term God can be the efficient cause of the Intelligences, since they are produced not by motion but by creation.¹⁴

The distinction between two kinds of efficient cause, one of which is a principle of motion or change and the other a principle of being, originated not with Aristotle but with Avicenna.¹⁵ The distinction was well known among thirteenth century schoolmen. Ockham inherited it from them, reworded it in terms of his own sequential notion of cause, and used it in his interpretation of the causal power of God when commenting on the *Sentences*.

Later, in his *Quodlibets*, Ockham abandoned this rendering of Aristotle in favor of the Averroistic view that God is only the final cause of the world. When Ockham wrote this work he no longer believed that according to Aristotle God is the immediate efficient cause of the separated substances, and through them the remote efficient cause of the sublunar world. Rather, it was Aristotle's mind that 'the Primary Being is the final, but not the efficient cause of other things, because he [i.e. Aristotle] holds that the heavenly bodies, with other lower causes, produce these inferior beings'.¹⁶ The Avicennian interpretation of Aristotle in the commentary on the *Sentences* has given way, in the *Quodlibets*, to the Averroistic notion that God causes the world only as an object of desire or love.

Both in the commentary on the *Sentences* and the *Quodlibets* Ockham strictly limits the power of human reason to prove convincingly anything about God's causal relation with the world. He denies that natural reason can prove that God is the immediate efficient cause of all things; indeed that he is the efficient cause of any effect. No adequate proof can be given that there are other effects than generable and corruptible beings, and their efficient causes are the natural bodies in the sublunar world and the heavenly bodies; and there is no adequate proof that the heavenly bodies, or the separate substances, have an ef-

¹⁴ Ockham, *ibid.*, C.

¹⁵ Avicenna, *Metaph.*, 6; 1 (Venice, 1508), fol. 91rb. See E. Gilson, 'Notes pour l'histoire de la cause efficiente', *Archives d'histoire doctrinale et littéraire du moyen âge* 37 (1962) 7-31; W. Dunphy, 'St. Albert and the Five Causes', *ibid.*, 41 (1966) 7-21.

¹⁶ 'Ad ultimum dico quod intentio Aristotelis fuit quod primum ens sit causa finalis aliorum sed non efficiens, quia ponit quod corpora caelestia cum aliis causis inferioribus producant omnia ista inferiora'; Ockham, *Quodl.*, 4.2 (Strasbourg, 1491). For Averroes, the Intelligences exercise final and formal, but not properly efficient, causality on the sublunar world. See Averroes, *In IV De Caelo*, 1; 5 (Venice, 1574), fol. 234A.

ficient cause. It cannot even be proved that God is the remote or partial cause of any effect. Only persuasive arguments can be offered that God is the efficient or moving cause of some effect. It can be argued, for example, that if God produced nothing his existence would be useless.¹⁷

Accordingly, in the discussion whether God can make things he has not made or will not make, it must be assumed (*supponendum est*) that God is the efficient cause of things. The arguments of the philosophers, based on natural reason, are no more than persuasions of this truth; it is known with certainty only by faith.

Assuming that God is the efficient cause of the world, can natural reason prove that he produced it as a free and contingent cause? On this point Ockham's interpretation of the philosophers does not waver. It was their mind, he says, that God is not a free or contingent cause of the world, but rather that he produced it naturally. Even though the world issued from God acting through intellect and will, he caused the world by necessity of his nature (*per necessitatem naturae*). Moreover, Ockham does not think that human reason can conclusively disprove this position of the philosophers. All the arguments of St. Thomas and Duns Scotus to the contrary he rejects as inconclusive.¹⁸

In his *De potentia Dei* 3.15, St. Thomas gives four reasons for holding 'that God brought creatures into being by no natural necessity but by the free choice of his will (*ex libero arbitrio suae voluntatis*)'. The first argument is based on the premise that the universe as a whole is directed towards an end, for otherwise everything in it would happen by chance. Hence God had some end in view in the production of creatures. Could he have produced it acting through his nature and not through his will? No, for a natural agent does not determine the end for which it acts. It must be directed to an end predetermined by an intelligent and voluntary agent, which in the case of the universe can only be God. So God directs the universe to its end through his will, and consequently he produced creatures through his will and not by necessity of nature.

The second Thomistic proof also stresses the difference between a natural and voluntary agent. A natural agent is limited to produce one

¹⁷ Ockham, *Quodl.*, 2.1. Neither can an adequate proof be given that God is the final cause of any effect. *Quodl.*, 4.2. In his Commentary on the *Sentences* Ockham says that Aristotle proved by reason that God is the cause of all things, but not that he caused the world contingently or with a beginning in time. 2 *Sent.* 6B.

¹⁸ 1 *Sent.*, 43, 1B-L.

effect equal to itself, unless there is some defect in its active power or in the recipient of the effect. Now far from being defective, the divine power is infinite. Only one 'effect' proceeds from it naturally, namely the Son, who is equal to the Father. Hence creatures, which are unequal to the divine power, proceed from the divine will.

The third argument of St. Thomas is based on the fact that an effect preexists in its cause according to the mode of being of the cause. Since God is an intellect, creatures must preexist in him as in an intellect. But what exists in an intellect can be produced only by means of the will. Consequently creatures proceed from God by means of his will.

The fourth argument also presupposes that God is an intelligent agent. Now his actions must be understood as immanent operations, like understanding and willing, not as transient actions such as heating or moving. The reason for this is the identity of the divine operations and the divine essence, which always remains within God and does not proceed outside of him. Hence everything God creates outside himself is created by the divine knowledge and will.

All these arguments lead to the same conclusion, in St. Thomas' view: 'Therefore it is necessary to say that every creature proceeded from God through his will and not through necessity of his nature'.

After faithfully summarizing these Thomistic arguments, Ockham hastens to add that all of them are inconclusive. They prove that God produced creatures by his will, but they do not establish that this operation of willing was free and contingent. God may produce creatures through his will, as a voluntary agent, and yet produce them naturally and necessarily. Does not St. Thomas himself hold that the will acts in two ways, naturally and freely? Thus he says that the will wills the end naturally and the means to the end freely and contingently.¹⁹ Hence, the fact that God acts through his will does not entail that he does not act through necessity of nature. This is confirmed by the fact that philosophers like Aristotle held that the first cause acts through intellect and will, and yet that it acts by necessity of nature. And does not St. Thomas himself maintain that the Holy Spirit proceeds from the Father through the divine will and yet naturally and necessarily? There is no contradiction, then, in God's producing creatures through his will and yet through necessity of nature.²⁰

Ockham's criticism of the first Thomistic argument pinpoints the

¹⁹ St. Thomas, *Summa theologiae*, 1, 82, 2; 1, 41, 2 ad 3.

²⁰ Ockham, 1 *Sent.*, 43. 1C.

weakness he finds in all of them. Even though the divine will directs the universe to its end, it does not follow that it has ordained this end freely and contingently. St. Thomas contends that the will wills what is ordained to the end contingently and freely, even though it wills the end necessarily. While necessarily willing himself as the end, God wills creatures freely because they are ordained to that end. But Ockham insists that this explanation is insufficient, 'because it has not been adequately proved that the divine will wills contingently what is ordained to an end, and yet this is in special need of proof'.²¹

Accordingly, in Ockham's view St. Thomas has failed to prove the freedom of God as a creator. He has not demonstrated beyond all doubt that God acted freely and contingently in his production of the universe. For a cause to act freely and contingently, nothing can impede its action, and, after equally regarding several options, it produces one and not the other.²² But according to an unbeliever such as Aristotle this is not the way God is related to the universe. The unbeliever would say that God immediately and equally regards everything producible, but that he necessarily produces the first Intelligence, and by means of it he produces other things, or that the first Intelligence itself produces them. Only if it could be demonstrated by natural reason that God created the universe with a beginning in time (*de novo*), freely choosing one creature in preference to another possible one, could one prove contingency in him. But no adequate proof of this is possible.²³

If it is impossible to demonstrate contingency in God in the Thomistic manner, by considering the nature of the divine will, can this be done

²¹ *ibid.* Elsewhere St. Thomas gave this proof, but unfortunately Ockham does not seem to be aware of this; in any case he does not allude to it in the present context. The Thomistic proof rests upon the fact that only the divine goodness is the natural and principal object (*principale volitum*) of the divine will. As such, it alone is proportionate to the divine will and is willed necessarily. Similarly the human will necessarily wills its natural and proportionate end, which is happiness; but it wills particular goods freely. Since the good of creatures is not proportionate to the divine will, it does not necessitate that will but is willed freely and contingently. See St. Thomas, *ST* 1, 19, 3; *De potentia*, 1, 5; *De Veritate*, 23, 4; *Contra gent.*, 1, 81. On God's freedom in creation, see A. C. Pegis, 'Necessity and Liberty: an Historical Note on St. Thomas Aquinas', *The New Scholasticism* 15 (1941) 18-45.

²² 'Dupliciter accipitur ... producere aliquid contingenter. Uno modo quod simpliciter potest ... producere et non producere. Et isto modo quidquid producit quemcumque effectum, producit contingenter, quia potest Deus facere quod non producat. Alio modo accipitur pro illo quod producit aliquem effectum, et nullo variato ex parte sua nec ex parte cuiuscumque alterius habet in potestate sua ita non producere sicut producere, ita quod ex natura sua ad neutrum determinatur.' 1 *Sent.*, 1, 6. 1 (St. Bonaventure, N.Y., 1967), p. 501, lines 2-11.

²³ 2 *Sent.* 6BC.

beginning with contingency in things? This is the method of Duns Scotus. The fact that contingent events occur in nature is proof to him that the first cause acts contingently. If the first cause produced its effect necessarily, this effect, acting as a second cause, would in turn produce a necessary effect, and so on for the whole series of causes. So the whole chain of primary and secondary causes would act necessarily, with the result that nothing would happen contingently. Since second causes cause only through the power of the first cause, the fact that they do cause contingently is proof of the contingency of the first cause.

The same conclusion can be drawn from the existence of evil in the world. A necessary cause, Scotus argues, produces its effect in the recipient to the greatest possible extent. Now the effect of the first cause is goodness and perfection. Hence, if the first cause acted necessarily, it would produce the greatest possible amount of goodness in things, and there would be no evil in them. Moreover, the existence of second causes itself argues against the necessary causality of the first cause. An agent acting necessarily acts to the limit of its power (*causa necessario agit secundum ultimum potentiae suae*). Consequently, if the first cause acts necessarily, it produces everything it can produce. Now it can produce everything producible. Therefore, in the event that the first cause acted necessarily, there would be no second causes.²⁴

In a note appended to these arguments Scotus concedes that they would not convince the philosophers (*non valent contra philosophos*).²⁵ Ockham readily agrees that they are inconclusive from the philosophical point of view. It cannot be evidently proved that because something occurs contingently the first cause acts contingently. The philosophers would reply that the contingency of the effect may result from the contingency of the action of some creature, such as the activity of the created will. The will is a contingent cause, according to the philosophers, and however much other causes may act naturally, when it concurs with them the resultant effect is contingent. The fact that the will is moved or conserved by a necessary first cause does not necessitate its action; it may be left free to act or not to act.²⁶

The concurrence of the will may also account for evil in the world. We need not suppose that the first cause is the immediate and total cause of everything, and hence that evil is to be imputed to it; the

²⁴ 1 *Sent.* 43, IG. These arguments of Scotus are taken from his *Opus Oxoniense* (*Ordinatio*), 1, 8, pars 2, q. unica; 4 (Vatican City, 1956), pp. 310-315. See E. Gilson, *Jean Duns Scot*, pp. 270-278.

²⁵ Scotus, *ibid.*, p. 313, note a.

²⁶ Ockham, *ibid.*, H.

created will has a role in many effects, and evil may reside in it, not in the divine will.²⁷ In general, to prove that secondary causes have no part in causation, one would have to demonstrate by natural reason, in opposition to the philosophers, that God, acting by himself, can cause everything producible, or that he immediately concurs in its production. But neither of these is susceptible of proof.²⁸ By 'proof' in this context Ockham means a strict demonstration or 'sufficient proof', which would dispell all doubt and settle the matter philosophically. He grants that persuasive arguments can be given that God is the immediate cause of all things, and that he is a free and contingent cause, but these do not amount to demonstrations.²⁹ Human reason simply cannot disprove the opposite thesis of the philosophers, that God, as the first cause, stands in necessary relation to his effects, and that these effects flow from him in hierarchical order, from the first Intelligence, who proceeds immediately from him, to the lowest material bodies in the sublunar world. From the standpoint of natural reason, this world of the philosophers is entirely plausible. This world constitutes a 'great chain of being', to use Lovejoy's phrase, flowing from the first cause as naturally and necessarily as effects from the sun.

Of course, to Ockham the Christian theologian, this is not the truth of the matter. For this we must turn to the faith, which teaches that God is a cause that acts contingently, and that he can produce the world of generable and corruptible bodies immediately and totally. And because God is a contingent cause, he is not limited to produce creatures as he has in fact done. He can make some that he has not made; for instance, he can produce an infinity of souls, though in fact he will create only a finite number.³⁰ Can he create more worlds than he actually has created, worlds different from, and better than, our own? It is to this question that we now turn.

II

Before answering the question whether God can create a better world, Ockham clarifies the meaning of the terms 'world' and 'better'. A world can be understood in two senses: 1) as the total aggregate of all

²⁷ *ibid.*, K.

²⁸ *ibid.*, L.

²⁹ 'Ideo quod Deus sit causa libera respectu omnium tenendum est tanquam creditum, quia non potest demonstrari per aliquam rationem ad quam non responderet unus infidelis; persuaderi tamen potest sic...', 2 *Sent.* 4-5, E. For Ockham's notion of demonstration, see D. Webering, *Theory of Demonstration according to William Ockham* (St. Bonaventure, N.Y., 1953).

³⁰ 1 *Sent.* 43, 1N.

creatures, whether substances or accidents, or 2) as a whole composed of a multitude of things contained under one body and the body containing them. In the second sense 'world' can be taken precisely for its substantial parts or indifferently for everything contained in it. Ockham specifies that in the present discussion he is using the term 'world' to mean 'precisely one universe composed as it were of parts that are substances, not as including accidents with substance'.³¹

The second sense of the term 'world' is the one familiar to medieval physics through the works of Aristotle. This cosmos was a vast but finite sphere whose outermost limit was the sphere of the fixed stars; within this sphere were contained the planetary spheres, which in turn enclosed the sublunar world of the four elements, with the spherical earth at the center. Ockham's second description of this world is close to that of Richard of Middleton, which runs as follows: 'I call the universe the collection of creatures contained within one surface — which is contained by no other surface within that universe — including also the surface that contains these creatures.'³² Richard of Middleton's specification that the surface of the sphere containing the universe is not itself contained within the surface of another sphere rules out the hypothesis that our universe might be encased in another; that beyond the outermost sphere that limits our world there might be another world contained in another sphere far distant from that which encircles our own. This hypothesis of several worlds, one included in another like layers of an onion, was raised and rejected by William of Auvergne on the ground that the outermost sphere of the second world, enveloping and containing the heavens of that world, would also contain the outermost sphere of our world, and thus it would constitute but one world. The supposed two worlds would be contiguous, one enveloped in the other, with no void separating them, for Aristotle proved convincingly that there is no void in nature.³³

³¹ 'Sed in ista quaestione accipiendus est mundus praecise pro uno universo quasi composito ex partibus quae sunt substantiae, et non secundum quod includit accidentia cum substantia' (1 *Sent.* 44, 1B. This description of the world fits in well with Ockham's doctrine of a collective whole. A world has the same kind of unity as a city, a nation, an army, a kingdom, the church, or a university. They are not one reality but an aggregate of individuals having only the unity of a collection (*unitas collectionis*). See *Quodl.*, 7, 13; *In libros Physicorum*, Prol., ed. P. Boehner, *Ockham, Philosophical Writings* (London, 1957), p. 7.

³² 'Respondeo, vocando universum universitatem creaturarum infra unam superficiem contentarum, quae a nulla alia superficie continetur infra illam universitatem, comprehendendo etiam superficiem continentem.' Richard of Middleton, 1 *Sent.* 44, 4 (Brescia, 1591; rpt. Frankfurt, 1963), p. 392.

³³ William of Auvergne, *De universo*, primae partis principalis, pars 1, cap. 13; 1 (Paris, 1674), p. 607.

Against this background, Ockham's second definition of a world as 'a whole composed of a multitude of things contained under one body and the body containing them' becomes clearer. The containing body is the outermost sphere of the universe that envelops and contains the heavens and the earth. Properly speaking, the parts included in the universe are its substances, not its accidental properties. There are qualities in the universe really distinct from substances, but these accidents are not contained in the universe as principal parts but as modifications of substances.

What is meant by asking whether God can create a 'better' world? One thing can be better than another essentially or accidentally. A universe essentially better than the present one would be different from it in species and not only in number; that is, it would contain individuals of more perfect species than those in our present world. A universe accidentally better would contain individuals of the same species as ours but their goodness would be heightened.³⁴

Having clarified the terms of the question, Ockham proceeds to answer it. He holds it as possible that God can produce another universe substantially or essentially better than ours. He sees no compelling reason why God cannot create substances more perfect in species than any he has created, and this to infinity. Can he not increase the perfection of a quality, such as grace, without limit? Why can he not increase the goodness of individuals to the point where they constitute a new and better species? Even if one maintains that there is a limit to the perfection of a creature, so that there is a most perfect substance possible for God to create, it can still be held as probably true that God can create another world distinct in species from our own, and hence substantially better than ours.

For confirmation of this Ockham appeals to both St. Augustine and Peter Lombard. According to St. Augustine, God could have made a man who could neither sin nor will to sin and if he did there can be no doubt that he would be a better man than ourselves. Ockham, for his part, contends that he would not only be better but he would belong to a different and higher species of man. The individuals in our human species are able to sin and will to sin. This he considers to be a defining property of our species, and hence it cannot be formally repugnant to any of the individuals in it. If there are individuals who cannot sin, they must belong to an *infima species* of man different from ours. It follows

³⁴ Ockham, 1 *Sent.* 44, 1B.

that if God created such individuals, the universe in which they lived would belong to a different and better species than our own.³⁵

An objection that readily occurs to a Christian is that Christ could not sin, and yet he belonged to the same human *infima species* as we who can sin. Ockham replies that Christ's incapacity to sin was due to the fact that he possessed the divine nature. Sin was incompatible with the divine Word; it was not incompatible with the human nature united to the Word. If Christ's human nature were separated from the Word, it could sin.³⁶

Ockham's hypothesis of a human nature specifically different from our own runs counter to the usual notion that man is an *infima species*. How can there be a species of man different from the one we know? Ockham hopes to show the possibility by clarifying the meaning of the term 'man'. In one sense it means a composite of a body and an intellectual nature. Taken in this broad sense, man does not constitute a *species specialissima* or *infima species*. In this meaning of the term there could be a man who is by nature incapable of sinning, but he would not belong to the same species as the man who can sin. In another sense, 'man' means a composite of a body and an intellectual soul *such as we have*. Thus understood, man is an *infima species*, and this human species would not contain the hypothetical man who is incapable of sinning.³⁷

It is at least probable, therefore, that God could create another world better than the present one and specifically different from it. This better world would contain things of different species, and a greater number of species, than our world. God could also create a better world that is only numerically different from ours. Nothing prevents him from creating an infinite number of individuals of the same species and nature as those existing in our world; nor is he restricted to creating them within the confines of our world. He could produce them outside our world and form another world from them, just as he has already formed our world from the things he has created.³⁸

The hypothesis of a plurality of worlds was not new in Ockham's day; it was debated throughout the thirteenth century in the wake of the translation of Aristotle's works into Latin. The scholastics could

³⁵ *ibid.*, C. See St. Augustine, *De Genesi ad litteram*, 11.7 (CSEL, 28/3.340); Peter Lombard, *Sententiae in IV libris distinctae*, l. 1, d. 44, c. 1; p. 304, lines 23-25.

³⁶ Ockham, *ibid.*, D.

³⁷ *ibid.*

³⁸ *ibid.*, E.

then read his arguments that there can be only one world. If there were a number of worlds, Aristotle reasoned, they would contain elements of the same nature as ours; otherwise they would be worlds in name only. They would be equivocally the same as our world. Now, each of the four elements has its proper place. For example, earth is at the center and fire is at the circumference of our world. When they are removed from these places they naturally tend to return to them: earth naturally moves downwards to the center and fire naturally moves upwards to the circumference. On the supposition of a plurality of worlds, the particles of earth in the worlds outside our own would naturally move to our center, and their fire would move to our circumference. If they did not, they would naturally move away from the center and circumference of our world, which is contrary to their nature. Hence there cannot be many worlds.³⁹

The possibility remains that there are many worlds, each with its own center and circumference. On this hypothesis, earth in each of them would always move to the center and fire to the circumference, but to numerically different centers and circumferences. Individual particles of the same species would then naturally move to the same place in species but not in number. But Aristotle rejected this possibility on the ground that there would then be no reason why in our own universe different particles of earth would move to numerically different centers — which is contrary to the evidence of the senses. So there can be only one center to which all particles of earth, having the same form or nature, naturally move, and one circumference to which all particles of fire naturally move. In short, there can be only one world.⁴⁰

Aristotle also reasoned that there cannot be many worlds because the heavens of our own contain all the available material, with none left over for other worlds. Theoretically he saw no reason why the form or nature expressed by the term 'world' could not be realized in many particular worlds, as the form of circle can exist in many particular bronze or gold circles. But this possibility is ruled out by the fact that the one instance of world perceptible to us exhausts all the matter, leaving none for other worlds. The case would be the same if one man were created containing all flesh and bones; there would be none left for other men.⁴¹

³⁹ *ibid.* See Aristotle, *De caelo*, 1. 8 (276a18-b22).

⁴⁰ Ockham, *ibid.* See Aristotle, *ibid.*, 277a1-13.

⁴¹ Aristotle, *ibid.*, 277b26-278b9.

In the first half of the thirteenth century there were Christian thinkers who did not find these arguments convincing. Better informed than Aristotle through revelation, they believed that God created the world from nothing and that his infinite creative power is not exhausted by the production of a single world. Writing about 1225 or 1230, Michael Scot reported: 'There are some who pretend that God, being omnipotent, had the power and is still able to create, over and above this world, another world, or several other worlds, or even an infinity of worlds, composing these worlds either of elements of the same species or nature as those that form this one, or from different elements'. Michael Scot himself did not share this view. While acknowledging that God is all-powerful, he was too good an Aristotelian to think that in fact there could be many worlds. 'God can do this', he wrote, 'but nature cannot bear it, as Aristotle says in *De caelo et mundo*, book 1, chapter 3. It follows from the very nature of the world, from its proximate and essential causes, that a plurality of worlds is impossible. Nevertheless, God could do this if he wanted to'.⁴² In other words, there is a distinction between the power of God taken absolutely and his power relative to the subject of his operation. He has the power, absolutely speaking, of doing many things that can never be realized because nature is not capable of receiving these actions of the divine power. This is the case with the creation of a plurality of worlds.

Michael Scot's ingenious method of harmonizing Aristotle and the Christian faith was followed by others in the thirteenth century. William of Auvergne never doubted the omnipotence of God and yet, like Aristotle, he could not conceive of a plurality of universes. He pointed out that the word 'universe' itself contains the notion of oneness: a *universitas* is 'a multitude gathered into a unity' (*in unum versa multitudo*). A 'universe' of colors is the union of all colors under one

⁴² 'Et dicendum quod quidam dicunt quod Deus potuit et potest ita cum isto mundo alium et alios facere, vel etiam infinitos cum sit omnipotens, et hoc ex elementis eiusdem speciei et naturae, vel etiam diversae. Sed ista positio insufficiens est. Et causa huius est quia, quamvis Deus possit hoc facere, non tamen natura hoc posset pati, ut habetur primo Caeli et Mundi, tertio capitulo. Quia quantum est de natura mundi impossibile est esse plures mundos, et hoc quantum ad eius causas proximas et essentielles, licet hoc Deus posset si vellet. Multa namque Deus de potentia sua apta posset facere quae respectu fieri non possunt. Cuius causa est quia non omnis potentia activa convertitur in passivam nisi solum quando patiens habet proportionatum et possibilitatem ad receptionem illius. Natura vero causata non est talis potentiae receptiva, quantum est de natura sui, scilicet quod sit receptiva plurium mundorum simul.' Michael Scot, *Super auctore sphaerae* (Venice, 1518), fol. 105b. See P. Duhem, *Etudes sur Léonard de Vinci* 2 (Paris, 1909), pp. 73-74. For the history of the problem of plural worlds, see *ibid.*, pp. 57-96, 408-423.

genus. Similarly, there is a universe of beings all united by their sharing in the nature of being. Outside this universe there can be nothing. The oneness of the universe is also proved by the oneness of its divine source.⁴³

In a similar vein, St. Thomas argued that the universe is one by its very nature. It has a unity which consists in the order of all its parts to each other and to its creator. Since the universe has one order, all creatures belong to one universe.⁴⁴ The appeal to the omnipotence of God did not shake St. Thomas' conviction of the oneness of the universe, for God did not create the universe with sheer power but with wisdom, and wisdom demands that everything have one order and be directed to one end. St. Thomas was also sympathetic to Aristotle's arguments that the present universe exhausts all the available material, and that the elements, no matter how widely dispersed, naturally tend to one natural place.⁴⁵ Of course, God could make the present universe better by creating many other species or by ameliorating all its parts. If the amelioration added to the universe's essential goodness, the result would be a different universe essentially and specifically better than ours; but in any case there would be but one universe.⁴⁶

To the Franciscan Richard of Middleton this conceded too much to Aristotelianism and failed to give proper weight to the divine omnipotence. God could have produced another universe besides the present one, and he still has the power to do so if he wished. Nothing prevents this on his part, for he can do everything that does not include a contradiction, and a plurality of worlds is not contradictory. No finite universe exhausts the infinite creative power of God. Neither does anything on the side of the universe stand in the way of a plurality. Matter does not, for it has been created out of nothing; it was not created from a preexistent stuff that would limit the scope of the divine action. Moreover, there is no receptacle, such as space, which receives

⁴³ 'Universitas, sicut apparet etiam ex ipsa nominatione, non est nisi in unum versa multitudo; versa autem non intelligitur nisi collectione, vel adunatione in aliquid, vel sub aliquo, quod tota illa multitudo communicat; quemadmodum dicitur universitas colorum quae colligitur ad genus, et sub genere quod omnes colores communicant'. William of Auvergne, *De universo*, primae partis principalis, pars 1, cap. 11; 1 (Paris, 1674), p. 605 C.

⁴⁴ St. Thomas, *ST* 1, 47, 3.

⁴⁵ *ibid.*, ad 3. See *In I De caelo et mundo*, 19, 14; 2 (Rome, 1886), pp. 78-79.

⁴⁶ St. Thomas, 1 *Sent.* 44.1.2; ed. Mandonnet, 1 (Paris, 1929), p. 1018. God has the power to create things he has not actually created, *De potentia*, 1.5; *ST*, 1.25.5. Any world God created would be the best in relation to his goodness and wisdom; in short, there is no best of all possible worlds, *De potentia*, *ibid.*, ad 15.

the whole universe and makes it one. Neither do the special natures of the four elements prevent a plurality of worlds. God could create other worlds with elements of the same nature as ours. In these worlds earth would naturally move to the center and rest there, just as it does in our world. In the hypothesis of many worlds, each with its own center, earth would naturally tend to be at rest in whichever center it was first located, and it would not naturally tend to move to the center of another world.⁴⁷

Richard of Middleton felt he was on sure ground in adopting this position, for in 1277 Stephen Tempier, the Bishop of Paris (and also a master of theology, as Richard pointedly adds), condemned the proposition that God could not produce many worlds.⁴⁸ And this is not all that God can do. If God has infinite power, he could give the outermost sphere of the heavens, which according to the Aristotelians has only a circular movement, a lateral movement as well. He could also create a universe which, though not actually infinite or infinitely divided, could be expanded or divided beyond any given limit. Writing in an age in revolt against Greek necessitarianism, this Franciscan theologian was raising the possibility of viewing the universe differently from Aristotle and his commentators.⁴⁹

Ockham's speculation about the possibility of other worlds shows the same effort to free Christian thought from the shackles of Aristotelianism. Like Richard of Middleton, he does not consider Aristotle's arguments for the oneness of the world demonstrative. Elements of the same species need not move to numerically the same place; there can be several worlds, each with its own center and circumference, to which the elements would naturally tend if displaced from them. Ockham argues for this possibility not only a priori, like Richard of Middleton, but also from experience. If two fires are lighted in different places on the earth, say in Oxford and Paris, they naturally move upwards to the circumference of the heavens, but not to numerically the same place. Only if the fire at Oxford is placed in the same spot as the fire at Paris will it move to the same place as the fire at Paris. Similarly, if the earth of another world is placed in ours, it will by nature tend to the center of our world; but within the heavens of another world the earth will naturally tend to rest at its center. The

⁴⁷ Richard of Middleton, *ibid.*

⁴⁸ Tempier condemned the proposition: 'Quod prima causa non posset plures mundos facere.' *Chartularium universitatis Parisiensis*; ed. Denifle and Chatelain, 1 (Paris, 1889), p. 543, a. 473.

⁴⁹ See E. Gilson, *History of Christian Philosophy in the Middle Ages* (New York, 1954), pp. 348-349.

reason why particles of earth in the two worlds will move to numerically different centers is not only that these particles are different in number, but also that they are in different situations in their respective heavens. The case is similar to the two fires that move to different places on the circumference of our universe because of their different situations in this universe.⁵⁰

It is true that the outermost sphere or circumference of our world is one continuous body and hence one in number; but it does not follow that two fires in different places on earth tend upwards to numerically the same place, for they move to numerically different parts of the circumference. With equal reason different particles of earth within the confines of distinct worlds could move to different centers.⁵¹

But if a particle of earth in another world naturally moves to the center of that world, would it not naturally move away from the center of our world? If it moved to the center of our world, its motion would be violent and not natural — which is clearly false, because in our experience earth moves naturally to the center of our world. Ockham grants that on the hypothesis of another world, earth moving towards its center would naturally move away from the center of our world, but he insists that this behavior of the earth would not be *per se* but *per accidens*, owing to the situation of the particle of earth within the boundary of its own world. If placed between the center and circumference of the world, fire naturally tends upwards to the circumference, but it moves away from the opposite side of the circumference. It recedes from the opposite side *per accidens*, owing to its situation in the world. If the same fire is located between the center and *that* part of the circumference, it would naturally move upwards to it. Thus not only the nature of the elements but also their situation in a world must be taken into account when explaining their motion. A particle of earth can naturally move downwards to the center of one world and *per accidens*, owing to its position in that world, move away from the center of another world.⁵²

Accordingly, the nature of the elements and their natural movements place no barrier to a plurality of worlds. Neither does the limited amount of matter available for their production. Granted that the present world exhausts all the matter God has created, it does not con-

⁵⁰ Ockham, 1 *Sent.*, 44, 1F.

⁵¹ *ibid.*, G.

⁵² *ibid.*, H.

tain all he can create. An omnipotent God is not restricted to produce a certain amount of matter; he can always create more, both celestial and terrestrial, and form from it other worlds like, or better than, our own.⁵³

Can God create other worlds essentially better than ours without limit, or would he finally reach a best of all possible worlds? Ockham does not presume to settle this question but is content to remark that the answer depends on whether or not there is a limit to the degree of perfection God can give to individuals in other species. Those who say there is no limit would conclude that there is no best of possible worlds; those who affirm a limit would conclude the opposite. However this may be, there is no doubt that God can create a world essentially and accidentally more perfect than the present one.⁵⁴

III

Ockham's treatment of the possibility of a better world is a good illustration of his complex relationship to Aristotelianism. He has no quarrel with Aristotle as far as the actual constitution of the world is concerned. He does not suggest that the world is different from Aristotle's, or that in fact there are other worlds besides the one described by him. What interests Ockham is not so much the scientific question of the actual structure of the world as the theological issue of what worlds are possible, given the absolute power of God. Lacking the Christian faith, Aristotle did not believe in the divine freedom and omnipotence. He did not realize that the present world is governed by God's *potentia ordinata*, but that there are other and better worlds that come under his *potentia absoluta*.⁵⁵ Hence he took the limitations of the present world to be those of all possible worlds. He also failed to see that his arguments for the oneness of the world are not demonstrative but only probable, leaving open the possibility of other worlds better than our own.

⁵³ *ibid.*, I.

⁵⁴ *ibid.* M.

⁵⁵ For the distinction between these two divine powers, see *Quodl.* 6.1: 'Haec distinctio est sic intelligenda quod posse Deum aliquid quandoque accipitur secundum leges ordinatas et institutas a Deo et illa dicitur Deus posse facere de potentia ordinata. Aliter accipitur posse pro posse omne illud quod non includit contradictionem fieri, sive Deus ordinavit se hoc facturum sive non, quia multa potest Deus facere quae non vult facere.'

The question remains why Ockham, unlike other Christian theologians, did not consider the Aristotelian arguments for the oneness of the world to be truly demonstrative. As we have seen, Michael Scot believed as firmly as Ockham that God has the power to create other worlds, but he denied the real possibility of plural worlds because 'nature cannot bear it'. A plurality of worlds is impossible, in his view, not because of any limitation on the side of God but because of the nature of the world.

This suggests that Ockham's conception of nature was not Aristotelian; and this is indeed the case. For Aristotle, each of the four elements has a form or nature, in virtue of which it naturally moves to its proper place when removed from it. Having the same nature, particular instances of each element must naturally have the same movement. As Aristotle says, 'the particular instances of each form must necessarily have for goal a place numerically one'.⁵⁶ From this he deduced the oneness of the world. Its oneness follows strictly from the oneness of the forms or natures with which the elements are endowed. For Ockham, on the contrary, bodies share no forms or natures. All particles of earth or fire have been created very similar to each other, and hence their movements are also very similar; but this is not because they have the same form or nature.⁵⁷ With the removal of natures or essences from individuals, the force of the Aristotelian argument for the oneness of the universe is lost. There is no longer a strict necessity for bodies to move to one place or that there be but one world. Ockham introduces the notion of the 'situation' (*conditio*) of the elements, thereby profoundly modifying the Aristotelian conception of their natural movement. Because they are differently situated in their respective worlds, heavy and light bodies move naturally up and down, but not to the same center or circumference. Even within the same world a light body, owing to its different situation, will naturally move upwards to one place in the heavens and away from the opposite side of the heavens. We are here in the presence of a new, non-Aristotelian, conception of nature which is the philosophical basis of Ockham's doctrine of the possibility of a plurality of worlds. If more, and better, worlds are possible for him, it is because the Ockhamist nature, unlike the Aristotelian, can 'bear it'.

⁵⁶ Aristotle, *De caelo*, 1.8, 276b32.

⁵⁷ Nature, for Ockham, is an absolute, positive, extramental reality: 'Per naturam intelligo rem absolutam, positivam, natam esse extra animam (3 *Sent.*, 1C). It is also individual of itself and in no way common or universal. See 1 *Sent.*, 2, 6-7; 2 (St. Bonaventure, N.Y., 1970), pp. 160-266.

From a theological perspective Ockham's guiding principle was the freedom and omnipotence of God.⁵⁸ Above all else he wished to vindicate these attributes of the Christian God against the necessitarianism of the Greek and Arabian philosophers. Relying solely on natural reason they concluded that God is not a free but a necessary cause of the world, that his immediate causation does not extend to all its details, and that he is limited to producing the present world. Ockham did not think natural reason can effectively refute these philosophical tenets; it can at best offer persuasive arguments for the freedom of God as a creator. St. Thomas' method of establishing this divine freedom and his refutation of Greek necessitarianism had no appeal to Ockham; indeed it must be said that he showed little understanding of the Thomistic approach to this subject and he never adequately came to grips with it. Lacking a truly demonstrative proof of the divine freedom in relation to creatures, Ockham's Christian faith alone assured him that God can produce things he has not made and will not make, and that he can create many worlds and better ones than our own.

Of course all medieval theologians believed in the divine omnipotence. Every time they recited the Creed they professed their faith in 'one God, the Father almighty'. In this respect there was nothing to distinguish Ockham from the other theologians, such as Abelard, William of Auvergne, or St. Thomas Aquinas. The fact that the God of Ockham has the power to do things that the God of his predecessors could not do clearly indicates that he was giving a new interpretation to the divine omnipotence. A direct consequence of the divine omnipotence, as he saw it, was the divine freedom regarding the whole order of creation — a freedom that entailed the denial of any laws, ideas, or essences, that might rule the creative act. The God of Ockham is under no obligation to obey moral laws,⁵⁹ nor is he obliged to use eternal

⁵⁸ Fr. Léon Baudry gives a good defense of Ockhamism as a philosophy of the divine omnipotence. See his *Le Tractatus de principiis theologiae attribué à G. D'Ockham* (Paris, 1936), pp. 37-42. More correctly, it should be called a 'theology of the divine omnipotence' since this divine attribute is solely a matter of faith. See also R. Guelluy, *Philosophie et théologie chez Guillaume d'Ockham* (Louvain-Paris, 1947).

⁵⁹ Ockham, 2 *Sent.* 5H; 4 *Sent.* 9EF. See G. Leff, *William of Ockham* (Manchester, 1975), p. 496: 'Absolutely then the criterion of good or bad is what God wills or rejects, which is *ipso facto* always for a good end ... it is true that for Ockham what God decrees is ultimately the measure of all value'; F. Copleston, *A History of Philosophy* 3.1 (New York, 1963), p. 116: 'For Ockham, however, the divine will is the ultimate norm of morality: the moral law is founded on the free divine choice rather than ultimately on the divine essence.'

ideas or essences as a pattern of his creation.⁶⁰ He vigorously opposed any doctrine of the divine ideas that defined them as preconceived essences through which God created the world. To Ockham, this conceded too much to the necessitarianism of the philosophers, for it implies a limitation on the divine freedom and power, as though God's creative act were governed by eternal ideas or essences. In fact, Ockham insisted, God has no universal ideas as a pattern of his creation; he has ideas only of individuals, and these ideas are nothing but the individuals themselves producible by him. This ensures the absolute freedom of God as a creator as well as the complete contingency of his creation. It also guarantees that this is not the only possible world, but that other, and better, worlds are within the divine power. In the words of Lovejoy, 'The world contained whatever it had pleased its Maker to put into it; but what sort of creatures, or how many of them, this might mean, no man had any means of judging, except by experience or revelation'.⁶¹

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⁶⁰ Ockham, 1 *Sent.* 35, 4-5. L. Baudry (*Le Tractatus de principiis theologiae attribué à G. D'Occam*, p. 39, n. 2) points out the connection between Ockham's defense of the divine freedom and his doctrine of the divine ideas as *purum nihil*: 'C'est donc le souci de sauvegarder l'absolue liberté de Dieu qui conduit Guillaume d'Occam à nier que les essences possèdent l'être *ab aeterno*. Par où l'on voit une fois de plus que l'idée de la toute-puissance anime toute la doctrine.'

⁶¹ Lovejoy, *The Great Chain of Being*, p. 70.

NOBILITY AND ECCLESIASTICAL OFFICE IN FIFTEENTH-CENTURY LYONS

Louis B. Pascoe

THE past fifteen years have witnessed a renewed interest in and study of the ecclesiological writings of Jean Gerson (1363-1429).¹ The thrust of this scholarship has led to a considerable reinterpretation of his understanding of the church. Gerson's ecclesiology has been shown to be not of one piece but to have evolved throughout his life, especially in reaction to the various phases of the Great Schism (1378-1417). This evolution reached its fullest expression in his writings at the Council of Constance (1414-1418). Until recently, Gerson's ecclesiology was commonly regarded as a form of radical conciliarism; contemporary scholarship, however, no longer sustains this interpretation and has clearly shown that it is not to be associated with the conciliarism of Marsilius of Padua (d. 1342) and William of Ockham (d. 1349). Gerson is rather to be regarded as a firm exponent of a hierarchical ecclesiology. The notion of hierarchy, indeed, has been shown to permeate every aspect of his ecclesiology which, nevertheless, successfully avoids the absolutistic tendencies of papal hierocrats such as Giles of Rome (d. 1316) and Alvaro Pelayo (d. 1349). The church for Gerson is

¹ The two works which have dealt with Gerson's ecclesiological thought during this period have been John B. Morrall, *Gerson and the Great Schism* (Manchester, 1960), and especially G. H. M. Posthumus Meyjes, *Jean Gerson, Zijn Kerkpolitiek en Ecclesiologie* (The Hague, 1963). My own recent work, *Jean Gerson: Principles of Church Reform*, *Studies in Medieval and Reformation Thought* 7 (Leiden, 1973), while primarily a study of Gerson's reform ideology, nevertheless, treats many aspects of his ecclesiology. See also the following articles of mine: 'Gerson and the Donation of Constantine: Growth and Development within the Church', *Viator* 5 (1974) 469-485; 'Jean Gerson: The Ecclesia Primitiva and Reform', *Traditio* 30 (1974) 379-409; and 'Jean Gerson: Mysticism, Conciliarism, and Reform', *Annuaire historique conciliorum* 6 (1974) 135-153. Much material closely related to Gerson's ecclesiological thought can also be found in André Combes, *La théologie mystique de Gerson*, 2 vols. (Paris, 1963-1965). Before the current revival of interest, the major studies on Gerson were J. B. Schwab, *Johannes Gerson, Professor der Theologie und Kanzler der Universität* (Würzburg, 1858) and J. L. Connolly, *John Gerson, Reformer and Mystic* (Louvain, 1928).

identified primarily with the entire hierarchical order and this order is especially manifested in an ecumenical council.²

The aim of the present study is to show that the notion of hierarchy permeated not only Gerson's attitude toward the church but his conception of medieval society as well. More specifically, it maintains that there is a relationship in Gerson's thought between the ecclesiastical and social hierarchies. In his view, hierarchical rank in the church requires a proportionate social status. He regards important offices within the ecclesiastical hierarchy, consequently, as the special prerogative of the highest social class, namely the nobility. Such was the case regarding membership in the cathedral chapter, especially that of Lyons. Development of this thesis will proceed primarily by a detailed analysis of Gerson's much neglected *De nobilitate*.³

This treatise was written during the latter years of his life when, for all practical purposes, he lived in exile at Lyons after the Council of Constance because of his controversy with the Burgundian party in Paris over the assassination of the duke of Orléans in 1407.⁴ He had forcefully attacked the position of Jean Petit (d. 1411) who justified the Burgundian involvement in the assassination on the basis of tyrannicide. Through Gerson's initiative, the controversy was brought before the Council of Constance which in 1415 condemned Petit's theory of tyrannicide. Gerson's strong attacks against Petit naturally alienated him from the Burgundian faction which was in the ascendancy at Paris when the Council of Constance closed in 1418. The situation, therefore, was certainly inopportune for Gerson to return to Paris.

² Morrall was among the first to point out the evolutionary dimension of Gerson's ecclesiology. The reinterpretation of Gerson's ecclesiology in a more hierarchical context is the contribution of Meyjes. For an excellent analysis of Meyjes' reassessment of Gerson's ecclesiology see Heiko A. Oberman, 'From Occam to Luther', *Concilium* 17 (1966) 126-130. A brief survey of the previous interpretations of Gerson's ecclesiology can be found in my article, 'Jean Gerson: Mysticism, Conciliarism and Reform', 135 n. 1.

³ Recent years have witnessed an increasing interest in medieval religious sociology. As examples of this orientation in medieval research see J. Gaudemet, 'Recherches sur l'épiscopat médiéval en France' in *Proceedings of the Second International Congress of Medieval Canon Law*, Monumenta Juris Canonici, Series C, 1 (Vatican City, 1965), pp. 139-154; L. Genicot, 'Haut clergé et noblesse dans le diocèse de Liège du XI^e au XV^e siècle' in *Adel und Kirche. Festschrift für G. Tellenbach*, ed. Josef Fleckenstein and Karl Schmid (Freiburg i. Br., 1968), pp. 237-258, and 'Aristocratie et dignités ecclésiastiques en Picardie au XII^e et XIII^e siècles', *Revue d'histoire ecclésiastique* 67 (1972) 436-442; Cinzio Violante, 'Nobilità e chiesa in Pisa durante i secoli XI e XII: il monastero di San Matteo' in *Adel und Kirche*, pp. 259-279; and Fernando A. Pico, *The Bishops of France in the Reign of Louis IX (1226-1270)* (Diss. Johns Hopkins, 1970).

⁴ For the events surrounding Gerson's exile in Lyons and the latter years of his life there, see Connolly, *John Gerson*, pp. 168-203; Morrall, *Gerson and the Great Schism*, pp. 14-16; and Pascoe, *Jean Gerson*, pp. 13-15.

After brief stays at Melk and Vienna, he retired to Lyons which was under the protection of the Dauphin. The archbishop of Lyons, Amédée de Talaru (d. 1444), moreover, was a close friend.

Another reason that motivated Gerson to take up residence at Lyons was the fact that his brother, Jean, was then prior of the Celestine monastery in that city. Gerson's residence at his brother's monastery lasted from 1419 until 1425 when at the request of the archbishop, he moved to the collegiate church of St. Paul where he directed the training and education of the younger choir members. In addition to his work at St. Paul, Gerson composed spiritual treatises and developed an extensive correspondence, especially with members of the contemplative orders. He also composed treatises on the education of princes as well as a defense of Joan of Arc. These circumstances comprise the general background against which Gerson wrote the *De nobilitate*.

The more immediate circumstances of the writing of the work are not fully clear. Gerson wrote a dedicatory letter for the treatise in August 1423, which was destined for Archbishop Amédée de Talaru. This letter is extremely brief, comprising but three paragraphs. In his letter Gerson does not indicate the immediate reasons which prompted him to write the *De nobilitate*, but he gives the impression that the work was composed in a state of peaceful retirement and reflection rather than as a response to internal problems or controversies within the church at Lyons.⁵ Since so many of Gerson's writings, however, are *œuvres de circonstances*, it is hard to believe that this work does not fall into the same category.

Although the present state of scholarship does not allow us to arrive at any final conclusions concerning the circumstances of the composition of the *De nobilitate*, a study of the church at Lyons during the third decade of the fifteenth century provides us with sufficient information for understanding the genesis of our treatise. Throughout most of the Middle Ages, and, indeed, up to the French Revolution, proof of noble birth was a necessary condition for becoming a canon in the cathedral church of Lyons. Origins of this tradition go back as far

⁵ *Reverendissimo ... praeclarissimo* (G 2. 248). The most recent edition of Gerson's writings is that of Palémon Glorieux, *Jean Gerson, Œuvres complètes* (Paris, 1960 —). Ten volumes have thus far appeared. References to this edition will be indicated by the abbreviation 'G' and will be followed by volume and page numbers. For the text of the *De nobilitate* recourse must still be had to the older edition of L. Ellies du Pin, *Opera omnia*, 5 vols. (Antwerp, 1706). References to du Pin's edition will be cited by the abbreviation 'P' and will be followed by volume and column numbers. Scriptural translations will be those of the Revised Standard Version.

as the ninth century and by the eleventh century the names of the cathedral canons at Lyons all testify to noble heritage. The stipulation concerning nobility was reiterated by Archbishop Guichard at the end of the thirteenth century and in 1337 a formal statute of the cathedral chapter decreed that no one was to be received as a canon unless he was of noble birth. Although the chapters of the three collegiate churches at Lyons, St. Nizier, St. Paul, and St. Just, had long accepted sons of the rising bourgeoisie, the cathedral chapter remained the strict domain of the nobility.⁶

The requirement of noble ancestry for becoming a cathedral canon in Lyons became a celebrated issue in 1418 when one of the leading nobles of the city, Guy de Grôle, presented his son, Jean, for membership.⁷ Although the nobility of his father's lineage was not questioned, that of Jean's mother, Catherine de Varey, was challenged by the cathedral chapter. The de Varey were rich proprietors in Lyons and were related through marriage to many noble families of that city. As did many of the nobility, they resided in the countryside. The canons, however, were not convinced of their noble lineage and refused Jean de Grôle admission to the cathedral chapter. The de Grôle family immediately appealed to Rome where Martin V (1417-1431) ruled in their favor. The cathedral chapter at Lyons refused to accept the papal decision and the controversy between Rome and Lyons over the appointment dragged on until 1421 when Lyons was placed under interdict. After a brief respite, the controversy resumed in 1422 and continued until 6 December 1425 when the chapter yielded to papal pressure and received Jean de Grôle as a canon.

⁶ With regard to the requirements for becoming a cathedral canon at Lyons, especially the requirement of nobility, see J. Beyssac, *Les chanoines de l'église de Lyon* (Lyons, 1914), pp. xiii-xvi. On the church of Lyons see also J. Perrier, *Histoire des évêques et archevêques de Lyon* (Lons-le-Saunier, 1887), Clément de Faye, *L'église de Lyons depuis l'évêque Pothin jusqu'au réformateur P. Viret, 1522-1565* (Lyons, 1859), J. B. Martin, *Conciles et bullaire du diocèse de Lyon des origines à la réunion du Lyonnais à la France en 1312* (Lyons, 1905), Horst Bitsch, *Das Erzstift Lyon zwischen Frankreich und dem Reich in hohen Mittelalter* (Göttingen, 1971), as well as the *Gallia Christiana*, 16 vols. (Paris, 1715-1865), 4. 1-315. For the history of the city of Lyons see Arthur Kleinclausz, ed., *Histoire de Lyon*, 3 vols. (Lyons, 1939-1952); André Steyert, *Nouvelle histoire de Lyon*, 3 vols. (Lyons, 1895-1899); Jean-Baptiste Monfalcon, *Histoire de la ville de Lyon*, 3 vols. (Lyons, 1851); and P. Clerion, *Histoire de Lyon*, 6 vols. (Lyons, 1829-1837). Brief surveys of the city's history are provided by Gabriel Chevallier, *Lyon 2000* (Paris, 1958) and Jean Déniau, *Histoire de Lyon et du Lyonnais* (Paris, 1951). Déniau is also author of the first volume of Kleinclausz's *Histoire de Lyon*. The most recent study of the patrician class in Lyons is that of Guy de Valous, *Le patriciat lyonnais au XIII^e et XIV^e siècles* (Paris, 1973).

⁷ The de Grôle incident has been studied by Jean Déniau, *La commune de Lyon et la guerre bourguignonne: 1417-1435* (Lyons, 1934), pp. 115-118. The following narration of the incident relies heavily upon his research.

On 14 January 1426, Jean de Grôleé ironically was sent by the cathedral chapter on a mission to Rome to secure papal confirmation of the capitular statutes especially as they related to the requirement of nobility. This mission was obviously intended as a reassertion of the chapter's prerogatives concerning membership. In a more conciliatory mood, Martin V on 3 March 1426 confirmed the requirement of nobility for membership in the cathedral chapter at Lyons by officially stating that an aspirant to the chapter had to prove his nobility through the fourth generation on both the maternal and paternal side.

The canons of Lyons expended considerable effort in their opposition to the appointment of Jean de Grôleé. The extent of their endeavors gives some indication of their seriousness and determination. A considerable amount of money had to be raised to support their litigation with Rome. Funds were borrowed; offices were sold; the chapter's supply of salt as well as buildings owned by the chapter were put up for sale. In addition, the chapter sought the personal support of the French king; in December 1422, Charles VII (1422-1461) was twice prevailed upon to write to Martin V in support of the cathedral chapter.

The chapter, moreover, could not have failed to realize that the support of Jean Gerson would lend considerable weight to their cause, for Gerson at that time was among the foremost figures in the French Church. Lyons was indeed honored by his residence in that city. Every effort would be made, therefore, to secure his support. The appearance of the *De nobilitate*, in August 1423 at the height of the controversy between Rome and the cathedral chapter can only mean that Gerson had decided to throw his support on the side of the chapter. His dedication of the treatise to Amédée de Talaru may well indicate that he composed his work at the request of the archbishop. In any case, as a result of his treatise, Gerson emerged as a strong advocate of the claims of the nobility.⁸

⁸ In his analysis of the de Grôleé incident, Déniau does not discuss Gerson's involvement. The thesis that the writing of Gerson's *De nobilitate* must be understood in the context of the de Grôleé incident is the author's and represents the first major attempt to provide the background against which Gerson's work was composed. The association of the de Grôleé incident with the composition of the *De nobilitate* finds tacit support in the edition of du Pin where the text of the *De nobilitate* is immediately followed by a fragment from one of the letters which Charles VII wrote on behalf of the cathedral chapter at Lyons during the controversy. Cf. P 3. 225 A — 226 B. The question of the genesis of the *De nobilitate* deserves further research, for at the beginning of his treatise Gerson states that the *De nobilitate* of Guillaume Sagnet (c. 1365-1444) served as an occasion for his work. Connolly asserts that Gerson wrote in refutation of Sagnet's ideas (cf. *John Gerson*, pp. 196-197). Little is known about Sagnet and still less about his *De nobilitate* and the circumstances surrounding its composition. His work, however, like that of Gerson's must certainly have been

Having studied the events behind the composition of the *De nobilitate*, let us now turn our attention to the contents of the treatise which is divided into three sections. In the first section, he discusses various forms of nobility. In the second, he analyzes the reasons which favor the exclusive appointment of the nobility to membership in the cathedral chapter. The third section of his work treats of the different arguments that have been proposed in opposition to such a tradition.

Gerson begins the first section of the *De nobilitate* with a general description of *nobilitas* which is broader than the normally accepted use of the term. Nobility as commonly understood is, indeed, but one facet of Gerson's definition, for he describes *nobilitas* as any mark of prominence, preeminence or excellence and uses the terms *eminentia*, *principatus*, and *excellencia* to express such qualities. These characteristics imply a comparison with other individuals as well as a certain influence over them. Nobility thus involves a certain degree of excellence which enables one to rule oneself or others.⁹ Gerson finds support for his ideas on nobility in Aristotle's *Politics* where it is stated that in all categories of being there is one individual that dominates and that individual alone enjoys the title of *nobilis*.¹⁰

In Gerson's thought, moreover, nobility and hierarchy are closely related, for hierarchical order is determined by the respective degree of *nobilitas* found throughout the universe. The hierarchical order of the universe, consequently, is in direct proportion to its various gradations of nobility. The higher the degree of *nobilitas*, the higher the importance of the hierarchical order which it engenders. In addition to the varying degrees of *principatus*, hierarchy, because of its close relationship to *nobilitas*, will also involve a *facultas alios influendi* which will be manifested in the form of hierarchical activity.¹¹

After his analysis of the general characteristics of *nobilitas* as well as its close affinity to the notion of hierarchy, Gerson investigates the various

related in some manner to the de Grôle incident which so preoccupied the church at Lyons. For Sagnet's life as well as his conflict with Gerson over clerical celibacy see A. Coville, *La vie intellectuelle dans les domaines d'Anjou-Provence de 1380 à 1435* (Paris, 1941), pp. 319-357.

⁹ *De nobilitate*, P 3. 208 D — 209 A: 'Nobilitas est eminentia quaedam vel principatus vel excellentia inter alias res sui generis, habens facultatem aliquam in illas, praesertim propinquas influendi. Nobilis idcirco dicitur hic accipere regnum sibi, sive regimen aliquod aliorum, propter influxivam potestatem'. Future references to the *De nobilitate* will cite only the pertinent column numbers in du Pin's edition.

¹⁰ 209 A. Cf. Aristotle, *Politics* 1. 5.

¹¹ 209 A: 'Nobilitas sic accepta generaliter reperitur in majori mundo, et similiter in minori multis modis; quemadmodum variae sunt hierarchiae et principatus; quoniam non est nobilitas sine principatu quodam nec e contra.'

manifestations of *nobilitas* in the universe. Within the macrocosm, the highest form of *nobilitas* is found in the Blessed Trinity which he designates as the *supercoelestis hierarchia*. *Nobilitas* is enjoyed by the Father because of his quality of *innascibilitas* and because of the fact that he is *principium de non principio*. The preeminence of the Son over the Spirit is reflected in the fact that the Spirit proceeds from both Father and Son. Gerson asserts that the Holy Spirit also enjoys a certain *nobilitas* but leaves speculation on this point to the theologians. Given the prominence which the Spirit holds in much of his writing it is surprising that he has so little to say about the Spirit on this occasion.¹²

After the Trinity, Gerson finds the notion of *nobilitas* verified in the angelic orders which he describes as the *coelestis hierarchia*. There are, he maintains, various degrees of preeminence among the angelic triads. All exercise the hierarchical activities of purgation, illumination, and perfection in proportion to their respective rank.¹³ The angelic hierarchies through their hierarchical activity also influence the third major repository of *nobilitas* in Gerson's cosmos, the ecclesiastical hierarchy, which is designated by him as the *subcoelestis hierarchia*. Modelled upon the angelic hierarchies, the ecclesiastical hierarchy manifests varying degrees of *nobilitas* from pope to local curate. Like the angelic hierarchies, all elements of the *subcoelestis hierarchia* are endowed with the power of hierarchical activity proportionate to their respective rank.¹⁴ This hierarchy through its exercise of purgation, illumination, and perfection has the obligation of leading the last of the hierarchies in Ger-

¹² 209 A: 'Nobilitas in primis est supereminenter in Trinitate Beata, quae ad sanum intellectum dicitur supercoelestis hierarchia; est enim in Patre fontalis nobilitas seu dignitas vel autoritas, quae notificatur per duas notiones istas: innascibilitas, et principium de non principio. Similiter in Filio respectu Spiritus sancti, nec sequitur ignobilitas idcirco in Spiritu sancto; quorum declaratio theologis remittitur'. For the importance of the Spirit in Gerson's ecclesiology see Pascoe, 'Jean Gerson: Mysticism, Conciliarism and Reform', 143-150.

¹³ 209 A-B: 'Nobilitas est in angelis secundum triplicem hierarchiam, quae coelestis appellatur, primam, secundam, tertiam. Nobilitas rursus est in eisdem angelis in ista qualibet triplici hierarchia secundum tres ordines contentos in qualibet, ut in prima Cherubin, Seraphin, et Throni.' For Gerson's triadic division of the nine angelic orders see *Quomodo stabit regnum*, G 7. 980 and *La mendicité spirituelle*, G 7. 250-251. See *De potestate ecclesiastica*, G 6. 227 for the hierarchical activities in the angelic spheres.

¹⁴ 209 B: 'Nobilitas est in ecclesiastica hierarchia, quae subcoelestis dicitur, exemplata per coelestem, secundum tres status Ecclesiae spirituales, primos, medios, et infimos...' The relationship between the angelic and ecclesiastical hierarchies is clearly stated by Gerson in *De potestate ecclesiastica*, G 6, 214-215. On the church as a model of the celestial hierarchies see also *Responsio ad errores de orationibus privatis fidelium*, P 2. 654 A. For the parallel between angelic orders and ecclesiastical office within the church see *De potestate ecclesiastica*, G 6. 227.

son's macrocosm, namely, the secular hierarchy, back to God. *Nobilitas* in the ordinary social sense of the term is to be found in the *secularis hierarchia*. In addition to the nobility, the *secularis hierarchia* comprises both the clergy and the bourgeoisie, each with its respective degree of preeminence and each influencing the other accordingly.¹⁵

When he turns his attention to man, whom he regards, according to the medieval tradition, as a microcosm, Gerson distinguishes six types of nobility. Man possesses first a *nobilitas naturalis* in that he is by creation an image of the Trinity. This image of the Trinity is particularly reflected in his memory, intellect and will.¹⁶ *Nobilitas parentalis* is the second type of nobility enjoyed by man and as the term itself implies comes to a person through his parents.¹⁷ The term *nobilitas* in its common usage applies to this category as well as to the third form of nobility which Gerson designates as *nobilitas honestalis*. This form of nobility comes not through birth but through the special favor of the king or emperor. Through their action one is, as it were, elevated to the rank of noble.¹⁸ Man can also enjoy a fifth type of nobility, according to Gerson, by a life of virtue.¹⁹ Through the exercise of the moral virtues man possesses a *nobilitas virtualis* which when realized in an extraordinary degree results in a *nobilitas heroicalis*.²⁰ A sixth and final type of nobility can be man's through the infusion of grace and the theological

¹⁵ 209 B: '... ad quos spectat secularem hierarchiam politiam in Deum reducere per tres actus hierarchicos, qui sunt purgare, illuminare, et perficere; in qua quidem seculari politia signabiles sunt tres status pro temporalium regimine suo modo, in cuius supremo statu vulgatio et usitatio nobilitas collocata principatur.' For the three states within the *secularis hierarchia* see 'De considerationibus quas debet habere princeps', P 3. 229 A-B and 'Poenitemini ... Repentez vous', G 7. 910. Gerson treats of the *tres status saecularis hierarchiae* throughout this latter work.

¹⁶ 210 A-B: 'Nobilitas hominis primo reperitur in superiori mentis apice, quae creatura est ad imaginem et similitudinem Beatissimae Trinitatis, secundum tres potentias in una essentia, memoriam, intelligentiam, et voluntatem, conformiter ad hierarchias et ordines angelorum'. See also 211 B-C. For Gerson's concept of man as a microcosm see 209 A, 213 A-B, and *Dominus hic opus habet*, G 5. 221-222. Gerson's use of the triad of memory, intellect, and will reveals strong Augustinian influence. For the Augustinian triads see *De trinitate* 9. 2. 2-5, 8; 10. 11. 17-12. 19; 14. 8. 11-12, 16.

¹⁷ 211 C: 'Nobilitas parentalis est praeeminentia quaedam notabilis homini proveniens ex laude conditionis parentalis, non quidem ex primis parentibus, quia communis est ad omnes'.

¹⁸ 211 C-D: 'Nobilitas honestalis est eminentia quaedam notabilis homini proveniens ex beneplacito honestantis ipsum vel honestantium, vel per filialem adoptionem a principe, vel per promotionem ad dignitatem aliquam, ut fit noviter multis modis.'

¹⁹ 211 D-212 A: 'Nobilitas virtualis est eminentia quaedam notabilis homini proveniens ex assuefactione vel habitatione virtutum moralium.'

²⁰ 212 A: 'Nobilitas heroicalis est quaedam nobilitas homini proveniens ex virtutibus plusquam moralibus, juxta traditionem Philosophi.'

virtues, especially charity. This form of nobility he designates as *nobilitas supernaturalis*.²¹

Gerson recognizes that there are gradations among the various forms of *nobilitas* which man can possess. *Nobilitas parentalis* and *honestalis* are, as it were, extrinsic to man since in themselves they do not necessarily imply intrinsic moral worth but are conferred upon man by others.²² Though intrinsic to man by his very creation, *nobilitas naturalis* in itself is not a guarantee of moral stature, for through his free will man can destroy or tarnish the image of God within himself.²³ *Nobilitas virtualis* and *heroicalis*, on the other hand, are not only intrinsic to man but also denote moral value.²⁴ The highest form of nobility which man is capable of achieving is that of *nobilitas supernaturalis* which is the life of grace. Through this *nobilitas* one becomes an adopted son of God, the spouse of Jesus Christ, and the temple of the Holy Spirit. In brief, as a result of such *nobilitas* one becomes a Christian. Without this degree of *nobilitas*, moreover, other forms of nobility are of no avail.²⁵ Man can have no greater dignity than that of being a Christian both in name and fact. For this reason, Gerson argues, the greatest title that the French king possesses is that of *Rex Christianissimus*.²⁶

The various manifestations of *nobilitas* which Gerson finds throughout the celestial realms, the church, the state, and within man himself provide the basis of his views on beauty. For him the beauty of the universe consists in the orderly preservation of the various forms of *nobilitas* and in their proper degree of interaction.²⁷ The result of such

²¹ 212 A: 'Nobilitas supernaturalis est eminentia quaedam notabilis homini proveniens ex charitate quae supernaturalis gratia est...'

²² 211 C-D: 'Haec similiter non est per se moraliter laudabilis, quia ab extrinseco venit, nec ex electione; quamvis "probabile est", ut ait Aristoteles, "de bonis bonos nasci...". A similar evaluation is passed upon *nobilitas honestalis*: 'Haec similiter non est de se moraliter laudabilis, quia venit ab extrinseco, nec ex electione propria ut sic.'

²³ 211 B-C: 'Haec autem per se non est moraliter vel meritorie laudabilis quia non venit ex electione liberi arbitrii...'

²⁴ 212 A: 'Haec quia venit ab intrinseco et electione, de se laudabilis est.' A similar evaluation is passed upon *nobilitas heroicalis*: 'Haec quia venit ab intrinseco cum divino munere per se laudabilis est et honore dignissima, quia data in signum virtutis.'

²⁵ 212 A: '... per quam homo fit per adoptionem filius Dei, fit anima sponsa Christi, fit templum Spiritus sancti, sine qua nobilitates ceterae nihil sunt, nihil proficiunt.'

²⁶ 212 A: 'Propterea nulla nobilitas eligibilior est, nulla dignior, quam esse Christianus re et nomine, et ita praeclarissimus in Rege Francorum titulus est quod Christianissimus nominetur.'

²⁷ 212 C-D: 'Quod pulchritudo totius universitatis consistit in conservatione nobilitatis, ita quod illud pulchrum est quod custodit ordinem servatque naturam; sicut e contra turpis est pars quae suo non congruit universo. Quid autem videre poteris ordinatius quam maioris hujus mundi speciem per concatenationes duas, auream spiritualium causarum et argenteam corporalium, secundum nobilitatem influendi a superioribus ad infima per media.'

order and interrelationship is universal peace which Gerson elsewhere in his writings defines according to Augustine, for whom *pax* is the *tranquillitas ordinis*. Whether it be the heavens, the church, the state, or man himself, peace, Gerson asserts, rests in preserving proper order among the various *nobilitates*. There is nothing more disruptive of peace or productive of schism and dissent than to hold *nobilitas* in slight esteem.²⁸

Gerson's analysis of the various manifestations of *nobilitas* as well as his notions of beauty, order, and peace give us a clear understanding of his view of the universe and of the place of the church therein. His approach to the problems of the cathedral chapter at Lyons must be seen in terms of this cosmological and ecclesiological orientation. During his years of retirement at Lyons, Gerson came to regard the church there as a microcosm of the church universal. Just as the church at large was hierarchically ordered, so did the local church reflect in miniature the same orientation. He designated the church of Lyons as an *acies ordinata*, a term he frequently used to describe the universal church.²⁹ Within the local church, Gerson regarded the cathedral chapter, after the archbishop, as the foremost representative of hierarchical order. As such the chapter was clearly to be distinguished from other segments of the local church and enjoyed the highest degree of honor. Arguing also from the notion of the mystical body, he asserts that if the church universal has diverse members and functions, then the same difference in membership and office is applicable to the local church. Here again the primary role is to be given to the cathedral chapter.³⁰

Gerson argues, furthermore, that if the cathedral chapter represents a most important segment of the local ecclesiastical hierarchy, then its members should be drawn from the highest levels of the secular hierarchy, namely the nobility. Gerson would, indeed, restrict membership in the cathedral chapter to members of the nobility. Although he says

²⁸ 212 D — 213 A: 'Pax, sanitas, salus, libertas cujuslibet politiæ residet in conservatione et honoratione nobilitatis; e contra nihil magis adversum paci, nihil amplius causativum schismatis et dissidii quam nobilitatis villipensio ...' For Gerson's use of Augustine's definition of peace see 'Dedit illi gloriam regni', G 5. 185. Augustine's definition can be found in his *De civitate Dei* 19. 13.

²⁹ 224 B: '... quatenus Ecclesia particularis etiam et insignis sit ut castrorum acies ordinata, sit hierarchica et pulchra varietate distincta; qualiter habet, exempli gratia, celeberrima Lugdunensis Ecclesia ...' For Gerson's reference to the universal church as an *acies ordinata* see *Propositio facta coram Anglicis*, G. 6. 133, and *Responsio ad errores de orationibus privatis fidelium*, P 2. 653 D. The term *acies ordinata* is taken from Ct 6: 3.

³⁰ 224 B. For the differentiation of membership and office within the church as the mystical body of Christ, Gerson relies on Rom 12: 4-5.

practically nothing about the social rank of the archbishop, his stand on membership in the cathedral chapter allows us to infer that he would demand the same requirement of nobility for the archiepiscopal office since appointment to that office in Lyons was normally made from the membership of the cathedral chapter. His reasons for the close relationship between the ecclesiastical and secular hierarchies within the local church are developed in the second section of the treatise.

Gerson builds his defense of the exclusive right of the nobility to membership in the cathedral chapter upon six reasons which he asserts are drawn, for the most part, from his own experience and from that of the church. As will later be seen, his sixth argument is based heavily upon what he regards as the principles of divine and natural law. In his first argument, Gerson maintains that the restriction of membership in the cathedral chapter is in accordance with the example given by Christ. Although Christ first attracted the poor and the simple, eventually through his church he drew to himself the rich, especially after the endowment of the church in the fourth century under Constantine and Pope Sylvester. Then not only the wealthy but also kings, emperors, philosophers, and noted rhetoricians began to enter the church and eventually played a leading role in its government.³¹ He views this transition in the church's membership as the work of the Holy Spirit: just as the Spirit had used the poor and unlettered to establish the primitive church, so after the endowment did it use the learned, the powerful, and the noble to extend the church's influence.³² In his own time, therefore, Gerson regarded the preference given the nobility within the church, especially in the cathedral chapter, as a continuation of the post-Constantinian tradition.³³

Secondly, Gerson maintains that the presence of the nobility in ecclesiastical office brings honor to the church.³⁴ The prophet Isaiah had

³¹ 215 B: 'Ecce quod Christus postquam elegit pauperes ab initio, postmodum divites attraxit, magnificeque dotavit ecclesiam sub Silvestro papa et deinceps. Sic post ignobiles primitus electos, postquam etiam non defuerint tunc nobiles parentes Christi; sic post idiotas et simplices, non sine doctissimis aliquibus ut Paulo Apostolo, Nathanhele, plurimos elegit illustrissimos reges et imperatores. Collegit amplius in retibus piscatorum summos philosophos et turbas rhetorum quo mirabilior introductio prima nostrae religionis appareret.'

³² For an extended study of Gerson's attitudes towards the Donation of Constantine and its transformative effects on the church see Pascoe, 'Gerson and the Donation of Constantine'.

³³ 215 B: 'Nonne Christus imitatur pro tempore nostro si tales praeficiantur; si Spiritus sancti regentis ecclesiam sequitur instinctus ...'

³⁴ 215 C: 'Nonne veneratur Ecclesia dum dotatur, dum filii et filiae regum adducuntur post eam in vestitu deaurato cum muneribus; quamvis sit omnis gloria ejus ab intus'. The literary images and phrases Gerson uses in this passage are highly reminiscent of Ps 44: 10-16.

predicted that such honor would be given the church by the nobility when he said, 'Kings shall be your foster fathers and their queens your nursing mothers. With their faces to the ground they shall bow down to you and lick the dust of your feet'.³⁵ Thirdly, according to Gerson, the service rendered to the church by members of the nobility who have taken upon themselves the yoke of Christ provides an excellent example of humility for all.³⁶ As a fourth reason, he mentions the example of fraternal charity, for in the exercise of their office the nobility must constantly deal with the lowly and the needy.³⁷

Continuing his list of reasons for restricting ecclesiastical office to the nobility, Gerson asserts as a fifth reason that the nobility's dedication to the daily exercise of their office excites the respect and devotion of the common people. In connection with this point, however, he harshly describes the *populares* as *animales* because they are frequently moved not so much by the manifestation of interior virtues as by the external elegance of rich vestments and precious jewelry worn by the nobility.³⁸ As his sixth and final reason, he adds that the holding of ecclesiastical office by the nobility increases and exalts the service of God.³⁹

In this context, Gerson develops a long defense of the right of the nobility to establish ecclesiastical foundations in which membership is restricted to its own social class. Present scholarship does not allow us to assert categorically that the prebends of the cathedral chapter were established by benefactions of the nobility, but the nature of Gerson's argumentation indicates that something of this sort must have been the case at Lyons. He asserts, moreover, that he will establish his arguments upon divine and natural law. Because of the importance that he at-

³⁵ 215 D. Cf. Is 49: 23.

³⁶ 215 D: 'Numquid praeterea quoad tertiam causam non ostenditur humilitas? Quando nobiles saeculi cervices inflectunt sub suavi iugo et onere Christi crucifixi, in ritibus ecclesiastici servitii, et in caeremoniis sine violatione servandis, posttergata sollicitudine conjugii, quoniam neque nubent neque nubentur'.

³⁷ 215 D — 216 A: 'Numquid non exercent cum humilitate fraternam charitatem, quae pro quarta causa, dum cum summa dignatione, benevolentia, mansuetudine conversantur cum infimis secundum saeculum, et egenis quales sunt plurimi de suo collegio vel choro etsi non privilegiato capitulo; submitunt denique semetipsos inferioribus constitutis ad officia, vel poenarum vel caeremoniarum prout Ecclesiae ritus habent.'

³⁸ 216 A: 'Nemo proinde dubitaverit quin apud popularium oculos devotionem nobiles suscitent et accendant, dum inspiciuntur vacare regularibus disciplinis; sunt enim animales ipsi populares, non spirituales, quos movet plus crebro decor exterior in ornamentis et jocalibus pretiosis ex auro et gemmis, quam interior solus valor incultus ad extra monstratus.'

³⁹ 215 B.

tributed to divine and natural law, these arguments should be regarded as weightier than those developed thus far.⁴⁰

Gerson argues first that it is a principle of divine and natural law that charity begins at home. He bases his argument on St. Paul's statement to Timothy that if anyone does not provide for his own relations he has disowned the faith and is worse than an unbeliever. He also quotes Aristotle to the effect that friendship towards others can only be manifested after one has shown proper respect towards oneself.⁴¹ Since relatives are an extension of oneself, Gerson maintains that it is more reasonable to provide for them in religion than for strangers.⁴²

He argues too that natural law clearly indicates that a person can use his possessions in the manner he chooses as long as his intention is not evil.⁴³ Members of the nobility, consequently, are entitled to lay down conditions for the administration of their wealth.⁴⁴ They can rightfully and fittingly stipulate that an ecclesiastical benefice is to be reserved for members of their own family.⁴⁵ Gerson acknowledges that frequently the eldest son of a family, once he has succeeded to the family wealth, will provide for the maintenance of other members of his immediate family by the establishment of ecclesiastical benefices.⁴⁶ Such procedures, he claims, are consonant with the dictates of the gospel and in

⁴⁰ 217 B: 'Fulcias precor rationem hanc sextam, ex juribus divino praesertim et naturali, si fieri posse confidis.' For the importance of divine and natural law in Gerson's thought see Pascoe, *Jean Gerson*, pp. 49-76.

⁴¹ 217 B. Cf. 1 Tim 5: 8. For Aristotle's ideas on self love as the basis of friendship see his *Nicomachean Ethics* 9. 4.

⁴² 217 C: 'Jungatur lex altera conveniens ad istam et alias. Consultius est providere de substantia propria subsidia vitae temporalis consanguineis obsequentibus Deo quam alienis ...'

⁴³ 217 C: 'Quod nihil est naturalius seu justius quam ut re sua quis utatur ut vult, dummodo male non vult; maxime dum testatur ejus intentio inviolabiliter lege servanda est.'

⁴⁴ 217 C-D: 'Id profecto quod inquiris, nam si potuerunt cum omni pietate nobiles de seculo hereditates relinquere servantibus et dedicatis cultui Dei, sint viri, sint mulieres, sint canonici, sint monachi, vel moniales, fas utique fuit eis conditiones apponere non reprobas in fundatione tali, fas insuper fundationem hanc superioris auctoritate firmari, fas juramento ecclesiasticorum eam, sicut praemittitur, fundatorum roborari.'

⁴⁵ 217 D — 218 A: '... igitur nobilibus fundationis autoribus licuerit, decuerit et expedierit aliquando praeponere suos ad ecclesiasticum beneficium seu monasterium consanguineos et parentes, nedum praesentes sed posteros a generatione in generationem servituros Deo ...'

⁴⁶ 224 A-B: 'Violaretur enim per hoc intentio pia fundatorum vel testantium nobilium quos rationabiles induxerunt causae, in illis praecipue locis ubi primogenitus solus in hereditate succedit ad indivisionem feudorum conservandam; provisio tamen fratrum et sororum spectabit ad primogenitos ac perinde distribuerunt Ecclesiae pro fratribus et sororibus Deo servire volentibus vitae sustentationem honestam, quam si quis auferre conatur hoc impie conatur, nemo non videt qui pius est.'

harmony with the principles of reason.⁴⁷ In no way does he regard such action as prejudicial to other social classes.⁴⁸

After the completion of his arguments on behalf of the nobility, Gerson, in the third part of his treatise, directs his attention to the major objections against his thesis. These objections were essentially twofold. The first was based upon a decretal of Gregory IX (1227-1241) issued between 1227 and 1234; it was addressed to the church of Strasbourg and originated over a conflict related to an appointment within the cathedral chapter.⁴⁹ At the time when the benefice fell vacant, the bishop of Porto was visiting Strasbourg in the capacity of a papal legate. As legate, the bishop conferred the benefice upon a cleric of his own choosing who was not a member of the nobility. The procurator of the cathedral chapter appealed to Rome in the matter. His appeal rested upon an ancient tradition of the chapter according to which no one was to be received into its ranks unless he were free and of noble birth on both the maternal and paternal side. He must, moreover, be a man of upright life and outstanding knowledge.

The papal reply contained two major arguments. The pope retorted first that it is not nobility of birth but a life of virtue and integrity which makes a man pleasing to God and a faithful servant of the church. Secondly, the pope maintained that in his choice of men to govern his church, Christ did not generally select the noble and the powerful but rather those who were poor and of low birth. The pope based much of his argumentation upon Rom 2: 11 to the effect that God does not show partiality in his relationship with men. The cathedral chapter of Strasbourg was thus ordered by the pope to receive among its members the cleric already appointed by the papal legate.

Gerson responds to the arguments presented in the decretal by raising the question of exactly how much authority is to be given such documents. Papal absolutists, Gerson maintains, would demand com-

⁴⁷ 218 A: '... quid consequentius oro quam posuisse conditionem evangelio naturaeque conformem apponere?'

⁴⁸ 218 A: 'Neque enim constatur inde cuius injuria, non praejudicium, non acceptio personarum ...'

⁴⁹ The decretal of Gregory IX concerning the church of Strasbourg can be found in *Decretales Gregorii Papae IX*, lib. 3, tit. 5, ch. 37, ed. E. Friedberg, *Corpus iuris canonici*, 2 vols. (Leipzig, 1879-1881), 2. 480-481. See also A. Potthast, *Regesta pontificum Romanorum*, 2 vols. (Berlin, 1874-1875), 1. 9631. For the cathedral chapter at Strasbourg see A. Vetulani, *Le grand chapitre de Strasbourg* (Paris, 1927).

plete obedience. They base their arguments on Lk 10: 16 where Christ said to his apostles and their successors, 'He who hears you hears me'.⁵⁰ As he did throughout the conciliar period of his life, Gerson reminds his readers that papal decretals and, indeed, all canonical legislation are not of one piece. In addition to elements drawn from divine law, there is in such documents much that is purely of human origin.⁵¹ In the exegesis of papal decretals, therefore, one must carefully distinguish between *jus proprie divinum* and *jus proprie humanum*.⁵² What pertains to the latter must be investigated and evaluated in the context of divine law, and whatever is not consonant with or in opposition to that law must be disregarded.⁵³ Gerson draws scriptural support for his argumentation from Mt 15: 9 ('In vain do they worship me teaching as doctrines the precepts of men').⁵⁴

When faced with the question of what persons have the authority to so interpret papal legislation, Gerson again has recourse to principles of action which were prominent in his conciliar writings. He asserts that it pertains to theology and the theologian to determine what aspects of canonical legislation are of divine or human provenance. In the case of the latter, the office of the theologian is to ascertain whether such legislation is consonant with the teaching of divine law.⁵⁵

As a theologian, therefore, Gerson proceeds to analyze the decretal of Gregory IX. He pays greatest attention to the papal exegesis of Rom 2: 11 and maintains that the argument that God does not show partiality in his relationships with men cannot be applicable to ecclesiastical office. A quick look at canonical legislation concerning ecclesiastical office, he asserts, would suffice to show that God is indeed an *acceptor personarum*, for canon law sets down many conditions with regard to the conferral of ecclesiastical benefices. Women, serfs, illegitimate off-

⁵⁰ 218 C.

⁵¹ 219 B: 'Quid dices ergo quod in canonico jure similiter in civili multa traduntur quae jus divinum non apparent aut saltem talia sunt ad quae jus divinum non arctat vel obligat?' For Gerson's attitude towards canon law during the conciliar period of his thought see Pascoe, *Jean Gerson*, pp. 61-64, 68-72.

⁵² 219 A: 'Requiritur ut sciamus quid jus proprie divinum, quid jus proprie humanum, sive positivum nominentur cum differentiis suis ad invicem.'

⁵³ 219 A: 'Vult utique Christus dicere quod omnis doctrina et omne mandatum hominum sine causa fit, hoc est frustra, si dissentiat vel non consonat Dei doctrinae cum mandato suo.'

⁵⁴ 218 C.

⁵⁵ 219 A: 'Superior et, ut Philosophus loquitur, architectonica scientia, quam esse theologiam neminem fas est in dubium revocare.' For Gerson's ideas on the relationship between the theologian and the various forms of law within the church see Pascoe, *Jean Gerson*, pp. 92-94.

spring, children, the insane, persons performing solemn penance, those implicated in scandal and homicide, and many others are explicitly excluded from such offices. In the light of this evidence, Gerson asks how one can truly maintain that God is not an *acceptor personarum*.⁵⁶ He states, furthermore, that Rom 2: 11 does not even pertain to the question of ecclesiastical office. This passage, he argues, refers to the universality of God's grace and his desire for the salvation of all men in the sense of 1 Tim 2: 4.⁵⁷ The result of this analysis is that he maintains that neither divine law as reflected in scriptural passages such as Rom 2: 11 nor any principle of natural law can be found which would militate against the tradition of restricting membership in cathedral chapters to the nobility.⁵⁸

In his discussion of divine and natural law in relationship to the decretal of Gregory IX, Gerson takes the opportunity of advancing additional arguments in favor of the nobility's prerogatives with regard to ecclesiastical office. Divine law, he says, never prohibited the promotion of members of the nobility to ecclesiastical benefices even during the period of the apostolic church.⁵⁹ After the Donation of Constantine, divine law, indeed, favored their advancement, for, as seen earlier, wealth, nobility, and learning then became the most effective means for furthering the work of the church.⁶⁰ Gerson, consequently, praises those papal practices and conciliar decrees which have favored the ecclesiastical advancement of the nobility. He cites as an example of such legislation the statement of the Council of Constance that university graduates and *illustres* be given preference in nominations to the cardinalate.⁶¹

⁵⁶ 220 D — 221 A.

⁵⁷ 221 A.

⁵⁸ 221 A: 'Ut ergo detur altera conveniens expositio huic textui necesse est, qui qualiscunque fuerit, non poterit, affirmo, per hanc allegationem, non per aliquod jus proprie divinum et naturale, condemnare constitutionem vel consuetudinem de solis nobilibus in certis ecclesiis vel casibus possibilibus observandam.'

⁵⁹ 221 D: 'Lex divina nunquam prohibuit nobiles ad ecclesiastica beneficia promoveri, etiam temporibus apostolorum, quoniam multi filii regum promoti sunt affines Christo, cujus ab avis et atavis genealogia regalis est.'

⁶⁰ 221 D — 222 A: 'Lex divina pro tempore pacis ecclesiasticae concessae a Domino per Constantinum Magnum sub Silvestro usque hodie favit promotioni nobilium, divitum, et potentum, eruditos quoque praeponit et graduatos in altera facultatum, praecipue litterarum sacrarum et canonum non conditorum.'

⁶¹ 222 A: 'Ad hoc consonant consuetudines summorum pontificum et conciliorum generalium institutae, praesertim novissimum Constantiense de promovendis ad cardinalatum graduatis et illustribus, non quod in universitatibus studiorum solemnibus nobiles praeferantur ad gradus honorabiles et primitatem.' One of the major areas of reform projected by the Council of Con-

From the favored position to be given to the noble, the powerful, and the learned in the post-Constantinian church, Gerson next argues to the precise preferment to be given the nobility in appointments to the cathedral chapter. Divine law not only does not stand in opposition to any constitution, statute, or custom which would restrict the appointment of the nobility to cathedral chapters, but even favors such appointments.⁶² Divine law, indeed, overrides any contrary legislation which may result from positive law such as the decretal of Gregory IX. The validity of such legislation, moreover, is especially doubtful if it has not been properly promulgated and received by the church. Proper reception by the church involves, for Gerson, actual implementation of the legislation by the appropriate authorities and prolonged acceptance by the people. Such, he feels, has certainly not been the case with Gregory's decretal.⁶³

After the detailed analysis of the decretal of Gregory IX, he turns his attention to the second major objection raised by some against the nobility's right to exclusive membership in cathedral chapters. This objection was based upon the idea of papal *plenitudo potestatis*. Armed with such authority, the pope, it is argued, can override the tradition that Gerson has so staunchly defended.⁶⁴ Admitting papal plenitude of power, Gerson replies that the papacy could not pursue such a course of action without sufficient reason.⁶⁵ When faced with the objection that the papal will-to-action is in itself sufficient reason, Gerson has recourse to a principle which he frequently used during his conciliar years to argue on behalf of limiting papal authority. He refers to the principle of accountability expressed in the query 'Cur ita facis?' taken

stance on 30 October 1417 concerned the intellectual, moral, and social requirements for nomination to the cardinalate. These reforms were to be effected through the joint initiative of papacy and council. See Giuseppe Alberigo et al., eds., *Conciliorum oecumenicorum decreta* (Rome, 1962), p. 480. In the above passage, Gerson is most likely referring to the reform proposal made by Martin V shortly after his election. See J. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 31 vols. (Florence—Rome, 1759-1798), 27. 1177. A close reading of this proposal, however, does not substantiate Gerson's position as strongly as he would lead his readers to believe.

⁶² 222 A: 'Lex divina non obviat constitutioni, statuto, vel consuetudini de solis nobilibus in nonnullis ecclesiis insignibus in canonicos vel ad dignitates ceteras recipiendis ...'

⁶³ 222 A: 'Lex divina sufficit dare vim consuetudini tali vel similibus, non obstante canone vel statuto in oppositum pure positivo; maxime si canon ille non fuerit publicatus aut receptus, aut moribus utentium confirmatus, aut ab illis quorum intereat executio, dissimulatus et toleratus ...'

⁶⁴ 223 B: 'Aestimo quod consuetudinem sanctam dicent servandam, nisi fortasse vadat in contrarium summus pontifex, qui plenitudinem habet potestatis statuendo vel dispensando.'

⁶⁵ 223 B: 'Nihil hic de potestate papae disputabimus, eam ex aliis supponentes et summa veneratione colentes; hoc unum dicimus, quod absque ratione nec lex statuenda est nec concedenda dispensatio.'

from Gal 2: 11-14 where Paul demands an account from Peter for the duplicity of his actions regarding the Gentiles at Antioch. Gerson consistently maintained that on the basis of this precedent theologians, as the successors of St. Paul, enjoyed similar authority over the papacy and were thereby justified in seeking from the pope an account of his actions. Without sufficient reason, then, the papacy cannot override well-established traditions within the church.⁶⁶

The only reasons which he will allow as constituting an exception to the existing law concerning cathedral benefices are the two commonly accepted by the medieval canonical tradition, namely *urgens necessitas* and *evidens utilitas*.⁶⁷ These reasons would be operative, Gerson maintains, if the pope could not find men of sufficient education or moral integrity among the nobility. Under such circumstances, he can dispense from the law and nominate men of non-noble background to cathedral benefices. Such exceptions, Gerson argues, should be extremely rare, and he did not regard them as applicable to the church in Lyons.⁶⁸

With his analysis of the decretal of Gregory IX and the question of papal *plenitudo potestatis*, Gerson brings his treatise to a close. As has been seen, he clearly placed himself on the side of the *status quo* in the controversy that beset the cathedral chapter in the early decades of the fifteenth century. His work represents a conscious and determined ef-

⁶⁶ 223 C: 'Nunquid ad papam vere trahitur illud Satyrici: sic volo sic jubeo sit pro ratione voluntas? Nunquid sibi quisquam potest dicere, cur ita facis? Nunquid quod placuit principi legis habet vigorem.' The objection that the papal will-to-action is in itself sufficient reason is expressed by Gerson in the language of Juvenal (cf. *Sat.* 6. 223). For Gerson's use of the Pauline 'Cur ita facis?' and the significance he attributed to this term see Pascoe, *Jean Gerson*, pp. 90-91. For an historical survey of the use of this Pauline phrase see G. H. M. P. Meyjes, *De Controverse tussen Petrus en Paulus: Galaten 2: 11 in de Historie* (The Hague, 1967). In the above quote from Gerson it is also noted that further support for the papal cause is drawn from the Roman Law principle of 'quod principi placet habet vigorem legis'; cf. *Institutes* 1. 2. 6 and *Digest* 1. 4. 1. For the use of Roman Law in the growth of medieval papal ideology see Gabriel Le Bras, 'Le droit romain au service de la domination pontificale', *Revue historique de droit français et étranger* 27 (1949) 377-398.

⁶⁷ 224 A: 'Docuit te non ego sed ipse Bernardus, duplicem assignans quam tetigimus causam. Una est justa necessitas, altera est publica vel patens utilitas.' As is frequently the case in matters canonical, Gerson does not quote canonical sources directly as his authority for the concepts of *necessitas* and *utilitas* but cites Bernard of Clairvaux. Bernard's use of *necessitas* and *utilitas* can be found in his *De consideratione* 3. 4. 18 and *De praecepto et dispensatione* 2. 4-5; 5. 11. For a general historical survey of the development of *necessitas* and *utilitas* as the principle reasons for *dispensatio* in medieval canon law see Gabriel Le Bras et al., *L'âge classique, 1140-1378. Sources et théorie du droit, Histoire du droit et des institutions de l'Eglise en Occident* 7 (Paris, 1965), pp. 514-532. More detailed studies can be found in M. A. Stiegler, *Dispensation, Dispensationswesen und Dispensationsrecht im Kirchenrecht* (Mainz, 1901), and J. Brys, *De dispensatione in iure canonico* (Bruges, 1925).

⁶⁸ 224 A.

fort to defend the traditions of the church at Lyons which restricted membership in the cathedral chapter to the nobility. Social rank, for Gerson, was clearly a condition for membership in the chapter as well as a guarantee of a more effective exercise of one's office therein. Although he used reasons from experience and convenience, divine and natural law, as he interpreted them, provided the more substantial portion of his argumentation.

Gerson's arguments reveal not only the reassertion of the key elements of his earlier ecclesiology with its emphasis on order, hierarchy, and divine and natural law but more especially the close relationship in his mind between the ecclesiastical and social hierarchies. Within the local church the highest offices in the ecclesiastical hierarchy were to be occupied and exercised by members drawn from the highest ranks of the social order. It was not only fitting, therefore, but also in full accordance with divine law that the cathedral chapter as one of the most important elements in the local church be composed exclusively of members of the nobility. In brief, ecclesiastical nobility was to have social nobility as its basis.

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THE VIRGIN PHOENIX

The Phoenix riddle hath more wit
By us; we two being one, are it.
So to one neutral thing both sexes fit.

John Bugge

THE Old English *Phoenix* has never appeared to be an enigmatic poem; almost too obviously, perhaps, its account of the death and rebirth of the marvelous Arabian bird symbolizes the central fact of Christian soteriology, the doctrine of resurrection.¹ But a closer scrutiny of the symbolic detail with which the Old English poet has outfitted the Phoenix reveals that such is only part of his theme, and that he is at least equally intent on celebrating a special and distinctive feature of Christian spirituality, the possession of which constitutes a guarantee of resurrection and eternal life. There seems to be a deeper symbolism here, not intended for the generality of Christians, perhaps fully comprehensible only to an elite, those who have consciously chosen a regimen of the strictest sexual purity in emulation of another remarkable quality of the Phoenix, its sexlessness. To put it another way, what John V. Fleming has noted with reference to another Old

¹ The Phoenix as a symbol of the individual resurrection is a commonplace in the writings of the Fathers; for a listing see M. C. Fitzpatrick, *Lactanti de ave phoenix* (Diss. Pennsylvania, 1933), pp. 12-15. See also Claes Schaar, *Critical Studies in the Cynewulf Group* (Lund, 1949; rpt. New York; 1967), pp. 42-43, and Joanne S. Kantrowitz 'The Anglo-Saxon *Phoenix* and Tradition', *Philological Quarterly* 43 (1964) 1-2, n. 2. Zeno of Verona is admittedly not typical in linking the Phoenix's rebirth to the fact that it is genderless and thus neither engages in nor is born of sexual generation: 'Similiter Phoenix avis illa pretiosa resurrectionis evidenter nos edocet iura, quae nobilitatem generis sui non a parentibus accepit, non liberis tradit; ipsa est sibi uterque sexus ... : non ex coitu nascitur, nec officio alieno nutritur' (*De resurrectione* 9. 20 (CCSL 22.20)).

English poem also applies to *The Phoenix*, that it is 'characterized by a cast of thought and ... a vocabulary that is not merely vaguely "Christian", but which is specifically monastic in its spirituality.'² Not nearly enough has been done to test Old English poems against the premises of monastic ideology, especially when it is the cloister that is credited with copying and preserving (if not actually producing) most of the works that remain to us. As I hope to show through the following discussion of *The Phoenix*, the method of locating certain poems within this distinctive theological context can be a useful means of clarifying some of their still unresolved obscurities. Accordingly, the first matter in hand is to identify the monastic commonplaces in the poem. The next venture must then be to examine the special emphasis upon the bird's symbolic *clænnēs* in relation to the traditional monastic belief that virginity was the highest grade of spiritual perfection. In the process I hope to suggest that the Old English poet must have understood the Phoenix as a symbol of asexuality, and that this meaning of that *fæger ond gefēalīc fugles tācen* actually lies at the center of monasticism's concern with resurrection and eschatology.

Some features of the monastic world view appear in lines 1-380, the part that probably derives from the *De ave phoenix* attributed to Lactantius; they lend sharper definition to the resplendent picture of the Phoenix and its paradisaical homeland. There are more such *topoi* in the extended allegorical commentary that seems to be largely the author's own work, ll. 381-677.³ This overtly exegetical approach to the myth by the poet argues a correspondence between the Phoenix and the spiritual life of the monk, but it is one that emerges only from a quantity of often unobtrusive detail. For that reason a close reading of the whole poem is in order.

The most noticeable monastic theme in *The Phoenix* is that of Paradise as the natural homeland of the monk, a concept Jean Leclercq sees as having been one of the two guiding principles of contemporary monastic spirituality (the other being life as exile or *peregrinatio*).⁴ The exposition which leads off the second part of the poem compares the

² "The Dream of the Rood" and Anglo-Saxon Monasticism', *Traditio* 22 (1966) 71.

³ For a discussion of the sources of the poem, see N. F. Blake, ed., *The Phoenix* (Manchester, 1964), pp. 17-24. On allegorism in monasticism's approach to classical lore and literature, see Jean Leclercq, *The Love of Learning and the Desire for God*, trans. Catherine Misrahi (New York, 1961), pp. 97-99, 145-50.

⁴ See Jean Leclercq, 'Le monachisme du haut moyen âge (VIII^e-X^e siècles)' in *Théologie de la vie monastique: études sur la tradition patristique* (Paris, 1961), p. 438.

eternal life of the Phoenix to that which each of the blessed attains by undergoing the passage through life and death (381-86), finally to arrive in *pām ūplīcan eðle* (392):

Þus ēadig eorl ēcan drēames,
heofona hāmes mid hēahcýning
earnēð on elne. (482-84a)⁵

Later in the text (589-94a), the flight of birds serves as a metaphor for the soul's following Christ in *pām gladan hām* (cf. 599b). Such statements, of course, are meant to parallel the Phoenix's own return to its earthly paradise, its *āgenne eard* (264a, 275a), its *ēadig ēþellond* (279a). In *De ave phoenix*, it should be noted, the bird's repatriation is not so important a theme, for though it 'evolat ad patrias iam reditura domus' (116), much more space is given to its delivering of the ball of ashes to an altar in the city of the sun (117-22).⁶ The references to a homecoming in heaven in our poem are, in fact, closer to those found in the monastic legend of *Gūthlac*, where the hermit's angel-guide informs him, *Eart nū tīðfara / to pām hālgan hām* (9b-10a), or where Guthlac himself, close to death, asserts he is bound for *pām betran hām*, indeed to *pām lēofestan / ēcan earde, þær is ēþellond / fæger ond gefēalīc* (654b-57a).⁷ In passing, it is interesting to note that the earthly paradise (1-84) to which the Phoenix returns is similar in certain respects — mark especially the stylistic device of rhyming half-lines (*Ph.* 14b-20a, *Gū.* 827b-30) — to the *neorxnawong* in *Gūthlac* where God is said to have placed Adam and Eve in their original innocence (*Gū.* 819-44a).

Closely related to the theme of heaven as the monk's true *ēþeltýrf* is the monastic view of earthly life as an exile. The *avis unica* of the Latin poem (31) becomes for the Old English author *se ānhaga* (87a, 346b); only in the lengthy physical description of the bird does he call it *æghwæs ænlic* (312a), the more literal rendering of *unica*. *Ānhaga*, of course, properly means 'solitary' or 'recluse', and it is useful to learn that the word *āna* 'alone' occurs at least a half-dozen times in reference to Guthlac's solitary life in the fens (101, 158, 245, 250, 277, 450).⁸ *Ānhaga*

⁵ All quotations from *The Phoenix*, as well as from other Old English poems, are from *The Exeter Book*, ed. George P. Krapp and Elliott Van Kirk Dobbie, *The Anglo-Saxon Poetic Records* 3 (New York, 1936).

⁶ For convenience, I cite the poem as printed by Blake, *The Phoenix*, 'Appendix I', pp. 88-92.

⁷ Cf. *Gūthlac*, 67-70a, 95-98, 790-96a. The specialized vocabulary of monastic hagiography which appears in *Gūthlac* proves especially useful in explicating *The Phoenix*.

⁸ For a similar use of *āna* in *The Dream of the Rood*, see Flemming, 'The Dream of the Rood', 62-63.

is also a term that can apply to the man following the tracks of exile (cf. *Wanderer* 1, 40). We are therefore to see *þisses fulges gefær* (426b) to *mid-dangeard* as a type of monastic exile : reaching Syria (notably, along with Egypt, the site of the eremitical life of the desert fathers), it engages in unmistakably anchoritic conduct when it *oðscūfeð scearplāce* from the throng of admiring birds,

þæt hē in scade weardað,
on wudubearwe, wēste stōwe,
biholene ond bihȳdde hālepa monegum. (168-70)

Note that Guthlac, too, elects an isolated life in *þēs wēsten, wræcsetla fela* (296 ; cf. 81, 208, 333, 356, 899, 935) ; his is a secret place hidden from the eyes of men, *bimīpen fore monnum* (147 ; cf. 159, 215, 297, 466, 952). And in our poem the companionless bird *sylf biereð* herbs and spices to the palm tree, *ond gewīcað þæēr / sylf in þām solere* (199b-200, 203b-04a). This sequestration, together with the sharp evaluative distinction the poet draws between the Phoenix and the other birds, suggests the meaning of the Phoenix's lonely vigil is religious anachoresis.⁹

The flight of the Phoenix to earth (424-37a) is likened to the exile of *ðā foregengan, / yldran ūsse*, from Eden :

tugon longne sīð
in hearmra hond, þær him hettende,
earme āglācan, oft gescōdan. (437b-42)

The view is of mankind exiled in a moral wilderness, prey to the forces of darkness. But as the Phoenix finds a lofty refuge in the wood, its *nest on bearwe* (429-32a), so too among the banished race of men

Wæron hwæpre monge, þā þe meotude wel
gehȳrdon under heofonum hālgum ðēawum,
dædum dōmlīcum. (443-45a)

⁹ Somehow the Phoenix as a symbol of eremitical life survived into the Renaissance. Preaching in 1549 against increased rents, Hugh Latimer urges men to imitate the benevolence of the single landholder whom he knows to have lowered them : 'For goddes loue, let not him be a Phenix, let him not be alone, Let hym not be an Hermite closed in a wall, sum good man follow him and do as he geueth example' (*Seven Sermons before Edward VI*, ed. Edward Arber, English Reprints 13 (Westminster, 1895), p. 42). Later, in 1633, Phineas Fletcher describes the reproductive parts of *The Purple Island* (3. 29) :

Here oft not Lust, but sweetest chastitie
Coupled sometimes, and sometimes single dwells ;
Now linkt with Love, to quench Lusts tyrannie,
Now Phoenix-like alone in narrow cells.

See *The Poems of Phineas Fletcher*, ed. Alexander Grosart, 1 (Blackburn, 1869), p. 106.

It is these 'holy ones' who now find refuge where *wihte ne mæg / ealdfēonda nān ātre sceppan*, figuratively in *se hēa bēam* named after the Phoenix (447-49; cf. 173b-74). More specifically, he who thus *him nest wyrceð wið nīpa gehwām* is a *dryhtnes cempa*, a warrior of the Lord (451-52). The term, not a translation of anything in *De ave phoenice*, is a third instance of monastic commonplace, being the normal Old English gloss of *miles Christi*, a common appellative for the monk engaged in the spiritual conflict of asceticism. As John Cassian writes, 'Itaque monachum ut militem Christi in procinctu semper belli positum accinctis lumbis iugiter oportet incedere.'¹⁰ But again, one need seek no further than *Gúthlac* for parallels, where monks *pā wuniad on wēstennum* (81) are termed *pā gecostan cempa* (91). Guthlac himself is called a *cempa* (153, 180, 324, 402, etc.) or an *ōretta* (176, 344, 401, 569).¹¹ We are thus to understand the nest built of alms, good deeds, prayer, and mortification (453-61) as symbolic of the monastic life itself, since these good works are the equivalent of *pā wyrta*, the *wæstma blēde* which the Phoenix gathers to fashion its habitation (465b-66a). But the nest is not just a spiritual locus, but a kind of spiritual fortification:

Swā nū in pām wīcum willan fremmað
mōde ond mægne meotudes cempa,
mærdā tilgað. (470-72)

In an earlier passage such men are called *crīstes þegnum / ... in burgum* (388b-89a). Both *wīcu* (the plural) and *burg* have the sense of a fortress or fortified place to be held against the onset of enemies. As Laurence Shook has demonstrated, the sense of a spiritual state of siege is far stronger in *Gúthlac*, where the hermit is called upon to defend his *beorg on bearwe* against the very palpable onslaught of the fiends.¹² But enough evidence of the same spiritual warfare is present in *The Phoenix* to argue monastic composition.

¹⁰ *De institutis coenobiorum* 1.1 (CSEL 17.8); cf. the *Regula* of St. Benedict, prologue and chapters 1, 2, 58, 61, ed. Jean Neufville, *Sources chrétiennes* 181-2 (Paris, 1972), 1. 412-413, 436-452; 2. 626-632, 636-640. For a discussion rich in references, see Uta Ranke-Heinemann's chapter, 'Der Kampf gegen die Dämonen und die Sünde' in *Das frühe Mönchtum* (Essen, 1964), pp. 50-64. On angels coming to the aid of embattled celibates Ambrose writes: 'Neque mirum si pro vobis angeli militant, quae angelorum moribus militatis. Meretur eorum praesidium castitas virginalis, quorum vitam meretur' (*De virginibus* 1.8.51, ed. O. Faller (Bonn, 1923), p. 39).

¹¹ See also W. F. Bolton, 'The Background and Meaning of *Gúthlac*', *Journal of English and German Philology* 61 (1962) 595-603.

¹² 'The Burial Mound of *Gúthlac A*', *Modern Philology* 58 (1960) 1-10.

A fourth monkish trait is the thoroughly eschatological emphasis of the poem. The Phoenix-nest is not only the monks' earthly habitation, but

Bēoð him of þām wyrtrum wīc gestapelad
in wuldres byrig weorca tō lēane,
þæs þe hī gehēoldan hālge lāre
hāte æt heortan, hige weallende
dæges ond nihtes dryhten lufiað. (474-78)

The condition for entering the Heavenly City is a life of incandescent devotion and continual prayer, both *dæges ond nihtes*. A. S. Cook detected monastic influence in the fact that *ne sorg ne slæp* (56a) are to be found in the paradisaical home of the Phoenix, ascribing that detail in part to the monk's attitude toward vigils.¹³ Compare the resolve of Guthlac, who permits neither *slæpe slūman oþþe sǣne mōd* (343) to rob him of his power of getting up and about the work of the Lord. Our poem continues by asserting that for those of such ascetic spirituality *ne biþ him wynne hyht / þæt hī þis lǣne lif long gewunien* (480b-81). In this respect, too, they are like the Phoenix which, *sīpes fūs* (208a), *dēað ne bisorgað* (368b), but also like Guthlac, who declares, *Nis me þæs dēapes sorg* (379b). To be sure, for the Lactantian Phoenix, 'sola est in morte voluptas : / Vt possit nasci, appetit ante mori' (165-66), but the notion of death as something actively to be sought is also a common motif in monastic thinking. Every morning upon rising St. Anthony reckoned upon not living until nightfall ; each night he would aspire to not awakening the next day. And a spiritual homily attributed to another of the desert fathers, Macarius the Elder, describes the monk's longing for death as a kind of burning desire.¹⁴

The other side of this indifference towards death's terrors is the poet's impassioned fascination with the momentous events of the 'last day' : the deluge of fire, the reunion of souls with risen bodies, the Last Judgment, and the reception of the blessed into the bliss of the *wuldres byrig*. It hardly needs mention that none of this is in the Lactantian poem ; the source is monastic philosophy, which was essentially eschatological, oriented toward eternal life beyond the grave. The whole last third of our poem (ll. 474-677) is taken up with themes of

¹³ 'Phoenix 56', *Modern Language Notes* 14 (1899) 450-51.

¹⁴ *Vita sancti Antonii* 19 (PG 26.872) ; *Homilia* 10, 4 (PG 34.544). See also Ranke-Heinemann, 'Todessehnsucht und Parusieerwartung' in *Das frühe Mönchtum*, pp. 26-32.

this nature, but let us single out only one of these. In the picture of the Last Judgment beginning line 491 it is no accident the first epithet applied to the Eternal Judge is *fæder engla* (492b), and that later He is referred to as *brego engla* (497a). A habitual theme in monastic thought is that the life of the earthbound monk is an anticipation of the angels' existence in heaven, a *vita angelica*. The view finds its basis in part in Mt 22: 30: 'In resurrectione enim neque nubent, neque nubentur: sed erunt sicut angeli Dei in coelo' (cf. Luke 20: 36, Mark 12: 25). Heaven is a sexless state, but so is the cloister, where a few men already live the life of angels. Augustine writes, 'Qui in castitate vivunt, angelicam habent in terris conversationem. Castitas hominem coelo conjungit, Angelis facit civem.' And Ambrose would add, 'In virginibus sacris angelorum vitam videmus in terris, quam in paradiso quondam amiseramus.'¹⁵ In *Gúthlac*, too, angels make their incorporeal presence felt, announcing his eremitical mission (4, 112), visiting and comforting the hermit (88, 115, 172, 190, 315, 336, 356, 1242), and finally leading him to heaven as they sing in triumph (782, 1306, 1314, 1319). Guthlac's vocation is *engelcunde* (101), he resists evil with *engla mægne* (325), his speech is so full of wisdom that it seems *pæt hit ufancundes engles wære* (1124). It is strikingly similar to *The Phoenix*. Job places his expectation of eternal joy in the *brego engla* (567b-69), while the souls of the blessed are said to know lasting joy *mid fæder engla* (610b), *ēadge mid englum* (621a), and to sing hymns to God's glory, which extends *uppe mid englum ond on eorðan somod* (629). Finally, the solemn macaronic verses at the end of the poem close with a repetition of the formula *ēadge mid englum* (677). The *vita angelica*, one of the most durable of monastic themes, is an important component of the eschatological emphasis of the Old English poem.

Let us now turn to a set of details which, beyond confirming our assessment of *The Phoenix* as a product of a specifically monastic religious culture, attest that the poem is in fact a symbolic exposition of the core of monastic belief. As we have seen, the interpretive half of the poem begins by likening the immortality of the Phoenix to that which each of the blessed may attain. Lines 387-92 specify the comparison by singling out one factor as the basis for relating the Phoenix to men still *in via*:

¹⁵ *Sermo* 291 (PL 39. 2297); *De institutione virginis* 104 (PL 16. 345). See also Ranke-Heinemann, 'Das Ideal des engelgleichen Lebens' in *Das frühe Mönchtum*, pp. 65-82, and Jean Lerclercq's chapter 'The Angelic Life' in *The Life of Perfection*, trans. Leonard J. Doyle (Collegeville, Minn., 1961), pp. 15-42.

Bisses fugles gecynd fela gelices
 bī pām gecornum Crīstes þegnum
 beācnað in burgum, hū hī beorhtne gefēan
 purh fæder fultum on pās frēcnan tīd
 healdap under heofonum, ond him hēanne blæd
 in pām ūplican ēðle gestrȳnaþ.

The term *gecynd* (387) can mean 'nature', 'quality', 'race', 'species', or 'origin', but its most fundamental sense, as C. S. Lewis has pointed out, is 'sex' or 'gender', and so it should be taken here.¹⁶ A previous passage notes that only God knows *hū his gecynde bið*, / *wīfhādes þe weres* (cf. *De ave* 163-64). Its gender remains a mystery to men; only the *meotod* understands the *fæger fyrngesceap*, *ymb pæs fugles gebyrd*, its birth or generation (355b-60). In human terms the Phoenix is paradoxically both its own father and its own son and heir (374b-76; cf. *De ave* 167-69). Human sexual generation enters the picture by implication, but is denied to have any relevance to the bird. Exempt from the effects of death by ancient, divine decree, the Phoenix is liberated from the ceaseless round of birth, copulation, and death that afflicts mankind. The secret of its eternal viability — and here lies the correct solution to the riddle of the Phoenix — is precisely its emancipation from the deadening burden of sexual generation. A late Old English prose version of the Phoenix story makes this clearer by associating the bird with the life of the angels. In MS. Cambridge, Corpus Christi College 198 the Phoenix is said to dwell in *Paradīsum*; *þæt is neorxnawonge*, somewhere between heaven and eartg: *ðær wuniaþ on godes aenglas unrim mid pām hālgum sāulum oþ Dōmaesdaeg*. Notably, the bird's *fiðera syndon aenglas feðerum gelice*. The basis for these angelic associations is doubtless the Phoenix's single blessedness: *and nafap hē nenne gemacan ne nān man newat hweþer hit is þe carlfugol þe cwēnfugol būton Crīst sylf*.¹⁷ Indeed, in the poem men recognize the asexuality of the Phoenix as its most salient quality:

pær hī scēawiaþ scyppendes giefē
 fægre on pām fugle, swā him æt fruman sette
 sigora sōðcyning sellicran gecynd,
 frætwē fægerran ofer fugla cyn. (327-30)

¹⁶ *Studies in Words* (Cambridge, 1960), p. 26.

¹⁷ Printed by F. Kluge, 'Zu altenglischen Dichtungen. 3. Zum Phönix', *Englische Studien* 8 (1885) 477-79, ll. 2-4, 19-20, 90-91.

The bird's unique sexual status (*sellīcran gecynd*), the special dispensation of God at creation, distinguishes it totally from other species, and men are excited to wonder at its guise (*wlīte*) and its stirps (*wæstma*) precisely because the bird is not bound by normal modes of sexual reproduction (see 331-32a).¹⁸

Let us return to our original point of departure, ll. 387-92, where we learn that this *fugles gecynd*, its 'gender', resembles the joyful condition in which Christ's chosen followers maintain themselves *in burgum*, that is, in their monastic settlements. By their celibate lives, which they hold to *under heofonum*, under the rule of heaven but short of that state, the monks anticipate a life of joy *in þām ūplīcan ēðle*. Note that the verb *gestrýnaþ*, which can mean 'acquire' or 'amass', can also signify 'beget', and that *blæd*, which could be simply 'glory' or 'prosperity', can also denote the 'fruit' or product of their spiritually generative activity. Read more concretely, the terms imply an analogy between the unique distinguishing feature of the Phoenix, its virginal self-regeneration, and the spiritual fruitfulness of the monks' way of life. This becomes more probable as the poem immediately juxtaposes an account of man's bliss in paradise. God created man and woman and installed them *on þone sēlestan / foldan scēata, þone fīra bearn / nemnað neorxnawong* (395b-97a). They were to remain in the bliss of innocence, *on þām nīwan gefēan*, but *Ðær him nīþ gescōd, / ealdfeondes æfēst, sē him æt gebēad, / bēames blēde* (400-02a). It is important to attend to the devil's motive. According to authorities popular in the monastic tradition his *æfēst* was of man's living the *vita angelica* he himself had lost. Basil, for example, writes of the demon: 'Ὁρῶν γὰρ ἑαυτὸν ἐκ τῶν ἀγγέλων καταρριφέντα, οὐκ ἔφερε βλέπειν τὸν γήινον ἐπὶ τὴν ἀξίαν τῶν ἀγγέλων διὰ προκοπῆς ἀνψοῦμενον'.¹⁹ According to John Chrysostom: ὅταν τοίνυν πάντα ταῦτα λογίσωμαι, καὶ τοῦ Δεσπότου ἐκ-πλήττομαι τὴν περὶ τὸ γένος τὸ ἡμέτερον φιλανθρωπίαν, καὶ τοῦ ἀνθρώπου τὴν

¹⁸ A. J. Festugière notes that the myth of the Phoenix as both male and female (*ἀρρενόθηλος*) and 'capable donc s'engendrer lui-même et concevant le fruit de sa propre semence' (a fiction exploited by the Fathers to illustrate the doctrine of individual resurrection) is nevertheless of pagan origin. He would trace the idea to late Orphism or hermeticism, where 'l'arrhénothelie est tout juste l'un des caractères spécifique de la divinité suprême', and where 'le Nous suprême, mâle-et-femelle (Phôs et Zôé), engendre en soi-même ... produit l'Homme essentiel ... qui est donc, lui aussi, mâle-et-femelle'. See 'Le symbole du phénix et le mysticisme hermétique', *Monuments et mémoires publiés par l'Académie des Inscriptions et Belles-Lettres* 38 (1941) 148-49.

¹⁹ *Homilia quod Deus non est auctor malorum* 8 (PG 31.348; Latin translation: 'Nam cum videret se ex angelorum coetu projectum, tunc hominem, qui terrestris erat, ad angelorum dignitatem suo in virtute profectu exaltatum videre non sustinuit').

ῥαθυμίαν, καὶ τοῦ διαβόλου τὴν βασκανίαν · οὐ γὰρ ἤνεγκεν ὁ πονηρὸς δαίμων ὁρῶν ἐν σώματι ἀνθρωπίνῳ ἀγγελικὴν διαγωγὴν.²⁰

For Adam and Eve *bitter wearð / yrmþu æfter æte ond hyra eaferum swā*, their own reproach a *sārlic symbel sunum ond dohtrum* (404b-06). The 'grievous feast', the inheritance of that presumably prandial offense, is, of course, a figurative one. The apple taken in folly represents a sexual sin, as the *Liber de institutione virginum* of St. Leander, monk and archbishop of Seville (d. c. 601) makes clear. Leander speaks of the virginal integrity in which God first formed man, adding however that

Perversi enim naturalem (sc. integritatem) corrumpunt homines, quam Deus formavit integram. Et haec offensa humani generis prima, haec damnatae originis causa dum protoplasti esse noluerunt quod fuerant conditi: idcirco meruerunt in se et in prole damnari. Reparatae castimoniae in vobis retentaculum, O virgines, quod perdiderunt in paradiso primi homines.²¹

An unmistakable reference to the same effect, arguing an unbroken thread of continuity in monastic thinking about the nature of the sin, occurs in the *Ancrene Riwe* (c. 1200), a work showing strong Cistercian influence. There the author supplies three examples to warn his female audience against becoming the cause of a man's temptation through the sense of sight. They are the cases of Dinah and Bathsheba (Gen 34: 1 and 2 Kings 11), both notably sexual in content, and that of Eve. The apple our first mother gave to Adam has allegorical significance:

Lo hu holi writ spekeð 7 hu inwardliche hit telleð; hu sunegunge bi-gon. þus eode sihðe biuoren 7 makede wei to vuel lust. 7 com þe deað þer efter; þæt al monkun iueleð. þes eppel leo-ue sustren bitocneð alle þe þing þæt lust falled to; 7 delit of sunne. hwon þu biholdest te mon. þu ert in eue point. þu lokest open eppel.²²

If the apple-eating is symbolic of a sexual transgression, the other two references to 'apples' in *The Phoenix* take on added significance. The Phoenix in its first stage of metamorphosis is a *wyrm* that appears of *þām*

²⁰ In *Genesin homiliae* 15.4 (PG 53.124; Latin translation: '... cum igitur haec omnia mecum reputo, obstupesco et Domini clementiam in humanum genus, et hominis desidiā, et diaboli invidentiam: non enim ferebat malus ille daemon videre in corpore hominem angelicam vitam agentem').

²¹ *Liber de institutione virginum* (PL 72.877).

²² *The English Text of the Ancrene Riwe*, Cotton Nero A. XIV, ed. Mabel Day, EETS 225 (London, 1952), p. 23.

āde æples gelīcnes (230-32a). There is a symbolic symmetry in this, as the formation of the Phoenix out of that death-dealing and *forbodene* fruit constitutes a triumphant reaffirmation of the power of sexlessness to regain eternal life. In the same vein, the poet uses *æppledē* to modify *gold* (506b), thereby suggesting that such *eorðan æhtgestrēon* is fated to be consumed by the fire of the last day because it is tainted with the likeness of the first sin.²³

After recounting how God's reproach also fell upon our first parents' *sunum ond dohtrum* (405b-06), the poet adds a remark that previous criticism has found puzzling: *Wurdon tēonlice tōpas īdge / āgeald æfter gylte* (407-08a).²⁴ A liberal paraphrase doing justice to the context might read: 'Their teeth were perniciously set on edge, requited in accordance with the nature of their sin.' The poet may be referring to the acidulous taste of sin (see Ez 18: 2 and Jer 31: 29), but it seems more plausible that to set the teeth on edge here has the sense of 'to arouse desire'. The past participle *īdge* derives ultimately from a variant of Preh. OE **eggjan*, which yields the modern doublet of *edge*, to *egg*, that is, 'to incite, stimulate, arouse'.²⁵ And curiously, the whole proverbial phrase turns up in the Renaissance with precisely that meaning. For instance, an interlocutor in Stephano Guazzo's *Civile Conversation* (1581) is made to say, 'Surely I cannot like of those which will bee still dalying with their wives before others: for they doe therby sette other mens teeth on edge, and make their wives lesse shamefaste and modest.'²⁶ The poem con-

²³ An expansion upon the theme of the forbidden fruit in the Midrash may shed light on the unique status of the Phoenix. Having succeeded with Adam, Eve went on to tempt the animals in Paradise: 'she gave the cattle, beasts, and birds to eat of it. All obeyed her and ate thereof, except a certain bird named *hol* (phoenix), as it is written, *Then I said: I shall die with my nest, and I shall multiply my days as the hol*'. See *Midrash Rabbah*, ed. and trans. H. Freedman and Maurice Simon, 1 (London, 1939), pp. 151-52. The *Lexikon der christlichen Ikonographie*, ed. Engelbert Kirschbaum et al., 1 (Freiburg im Breisgau, 1968), p. 53, makes note of the longevity of the tradition of the un-fallen Phoenix, citing two miniatures in a fourteenth-century illustrated Old Testament now in the Pierpont Morgan Library. The first reveals the Phoenix perched on a tree in scenes depicting God's creation of Adam and Eve and His enjoining them against the fruit of the Tree of Knowledge. The Phoenix disappears from the facing miniature showing Adam and Eve eating the fruit. See *Old Testament Miniatures*, introd. Sydney C. Cockerell (New York, 1969), pp. 28-29.

²⁴ H. D. Meritt, *Fact and Lore About Old English Words* (Stanford, 1954; rpt. New York, 1967), p. 90, takes *īdge* as a variant of *ecgede* 'edged' and translates 'grievously were edged teeth given in requital for the guilt.' See Krapp and Dobbie, *The Exeter Book*, p. 278, for a review of earlier criticism, and Schaar, *Cynewulf Group*, pp. 87-88.

²⁵ Frederic Cassidy, 'The Edged Teeth' in *Studies in Old English Literature in Honor of Arthur G. Brodeur*, ed. Stanley Greenfield (Eugene, Ore., 1963), p. 233.

²⁶ Trans. George Pettie and Bartholomew Young, 2 (London, 1925), p. 27. Similarly, in *The Winter's Tale* (IV.ii. 5-7), Autolychus sings of how 'The white sheet bleaching on the hedge / ... / Doth

tinues with the same theme, noting that for the sin of the parents *pā byre sippan / gyrne onguldōn, þe hī þæt gylf þēgun* (409b-10). That is, in aftertime their descendants continued to pay the penalty for the sin (*onguldōn*), not grudgingly, however, but avidly and with eager appetite (*gyrne*), in effect suffering the same desire which prompted the first man and woman to partake of that sweet 'morsel'.²⁷ Thus, by the malice of the serpent who 'artfully seduced our elders' (*nearwe biswāc / yldran ūsse*), all men were banished in *pās dēaðdene* where *wearð sēlle lif / heolstre bihýded* (411b-18a).

The account of the Fall in *Gūthlac* also implies sexuality to be at the heart of the etiology of sin. The devil first tempts the 'virgin' Eve, *ærest þære idese*, who then offers the *bittor bādwēg* to Adam (982b-85a). Together they partake of the *dēaðberende gyfl / þæt pā sinhūwan tō swylte getēah* (850b-51); the unholy repast affects them now as a 'married couple'. They must pay *þurh dēaðes cwealm* for their 'awful crimes' (*dēopra firena*, 858a, 863a). Note that *firen* can have decidedly sexual connotations: one meaning of the verb *firenian* is 'to commit adultery', and the noun appears in such compounds as *firenhicga* 'adulterer' and *firenhicgend* 'whore'. In other words, the author of *Gūthlac* uses the same devices as the *Phoenix*-poet — pointedly connotative diction in conjunction with traditionally symbolic imagery — to expose the role of sexual desire in the original sin. It should not escape notice that a psychological motive such as *ofermōd* does not even come in for consideration. Rather, it is the loss of man's natal purity — perhaps even in present psychic terms still the most elemental sort of 'fall' — which defines the nature of the sin (and not just that of its principal effect). One and the same act both establishes human progeniture and disinherits the race from its paradisaical homeland of purity and eternal life. In monastic thought desire and death make up two sides of an all-important equation in the economy of salvation.

A chosen few, however, earn an exemption from the curse of death through ascetic purity, a quality the poet emphasizes through his repetition of the term *clæne* and words of related meaning. The paradisaical habitat of the *Phoenix*, for instance, is *onsund* (20a, 44a) 'sound, whole, perfect', in no way affected by the vagaries of worldly

set my pugging tooth on edge.' In Thomas Dekker's *The Honest Whore, Part II* (I.ii.110), *The Dramatic Works of Thomas Dekker*, ed. Fredson Bowers, 2 (Cambridge, 1955), p. 146, Orlando asserts, 'The yong beautifull Grape sets the teeth of Lust on edge.'

²⁷ The adverb *gyrne* (related to the verb *gyrnan* 'to desire') translates as 'earnestly, avidly'. See J. Bosworth and T. N. Toller, *An Anglo-Saxon Dictionary* (London, 1898), p. 495.

weather. It has been exempted, *ēadig, unwemme*, undefiled, *þurh ēst godes*, from the effect of the Deluge (41a-46), God's punishment for man's carnality (Gen 6: 12-13).²⁸ The bird itself bathes in the clear vivifying waters of paradise (104-10); having made its sojourn to this earth, it naturally shuns the company of earthly fowl, for reasons that seem to lie in the epithet the poet applies to the Phoenix, *se clæna* (167b). The term can be translated as 'the virginal one' or 'the pure one', for in *Christ II* Cynewulf speaks of the birth of Christ, *þā se ælmihtiga / ācenned wearð þurh clænne hād* (443b-44).²⁹

The Phoenix takes up residence in the towering *bēam ... þone hātað men / Fenix on foldan, of þæs fugles noman* (171-74), the *palmar* of *De ave phoenice* (69) as also of the Vulgate Job 29: 18. We have seen it is this tree in which God's *hālge nū / wīc weardiað* (447b-48a). Identified with the bird even in name, the palm enjoys some of the same uniqueness: *sē āna is ealra bēama / ... / beorhtast geblōwen*; and by God's special grace it is exempt from harm and decay, *ac gescylded ā / wunað ungewyrded, þenden woruld stondeð* (175-81). Two things about it are important for our purposes. The first may be summarized in the words of Jean Hubaux and Maxime Leroy:

Par ailleurs, le phénix est le seul oiseau dont on ait dit chez les anciens qu'il n'était ni mâle ni femelle, mais les deux à la fois. Par une coïncidence

²⁸ Chaucer's Parson gives the standard interpretation: '... by the synne of lecherie God dreynthe al the world at the diluge' (*The Parson's Tale* 839 in *The Works of Geoffrey Chaucer*, ed. F. N. Robinson, 2nd ed. (Boston, 1957), p. 255).

²⁹ In the later Middle Ages the Phoenix served as a symbol of Mary's virginity. Albert the Great, in *De laudibus beatae Mariae virginis* 7, 3.1, quoted in J. B. Fletcher, 'The Allegory of the Pearl', *Journal of English and German Philology*, 20 (1921) 15, n. 84, writes: '... Maria una sola est mater et virgo. Unde et comparatur phoenici, quae est unica avis sine patre.' The Middle English *Pearl* (one of whose main themes is the virginal innocence of the soul), notes of Mary that

for synglerty o hyr dousour,
We calle hyr Fenyx of Arraby,
Ðat freles flege of hyr fāsor ;

ed. E. V. Gordon (Oxford, 1953), p. 16, ll. 429-31. In Renaissance England the devotion once due Mary fell to the Virgin Elizabeth. A typical example is 'T. W.'s 'Lamentation of Melpomene, for the Death of Belphoebe, our Late Queen':

O Virgin chaste, O Phenix of thy kind,
Which being gone, leaves not thy like behind.
O Lamp of light, O Starre celestiall,
Thy matchless beautie was Angelicall,

quoted in E. C. Wilson, *England's Eliza* (Cambridge, Mass., 1939), p. 384; cf. pp. 23, 33, 244, 279, 367n.

remarquable, la même propriété a été attribuée par certains anciens au palmier.³⁰

In this connection it is also interesting to note the pairing of palm with Phoenix in bas-reliefs of the virtues and vices which appear in the program of exterior sculpture of the cathedrals of Paris, Amiens, and Chartres. The grouping 'Chastity and Luxury' at Amiens, for instance, portrays Chastity as a seated female figure, veiled, holding in her right hand a palm frond and in her left a shield showing the Phoenix enveloped in fire. Similarly, in the rose window of Notre Dame at Paris 'Chastity' is a crowned female figure with a medallion showing the Phoenix aflame.³¹

A second important consideration is that the palm denotes the glory due virginity, at least in the views of certain Christian writers whom the Old English author could have known. Sulpicius Severus warns the spiritually negligent, 'turpe est enim delicti indulgentiam postulare quae palmam uirginitatis expectant'; but he also assures the virgin that if she will cleanse herself from all stain of sin, 'tunc tibi castitatem intellegas profuturam, et cum omni fiducia palmam uirginitatis expecta.'³² Closer to home, Aldhelm writes that, while the married woman is preoccupied with curling irons and cosmetics, the virgin is content with spiritual adornment: 'cum palma uirginitatis coronam gloriae in capite proferet.' And of Sts. Cosmas and Damian he remarks, 'cum palma uirginitatis et triumpho martyrii agonizarunt'.³³

The purity of the Phoenix is intimately related to the pervading ontological dualism of monastic thought, a core of belief (mirrored in

³⁰ *Le mythe du phénix dans les littératures grecques et latine*, Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège, fasc. 82 (Paris, 1939), p. 120; cf. p. 103. The authors theorize (pp. 110-15) that the Lactantian poem drew upon Pliny's account of the cenobitic community of the Essenes of Engadda. In the *Naturalis historia* 5.17-53, ed. C. Mayhoff, 1 (Leipzig, 1906), Pliny reports the Essenes lived 'sine ulla femina, omni venere abdicata,' and that their sect was eternal: 'ita per saeculorum milia (incredibile dictu) gens aeterna est in qua nemo nascitur.' Significantly, he describes their community as a 'gens ... socia palmarum,' an expression which Hubaux and Leroy believe has to do neither with a particular love of nature nor a dependence on the palm for food, but with the fact that the Essenes, 'comme le phénix et comme certains palmiers', were also considered 'des êtres continents'.

³¹ Emile Mâle, *Religious Art in France, XIIIth Century*, trans. from 3rd ed. Dora Nussey (London-New York, 1913), pp. 116-17, figs. 57, 58. For the same sculptural theme at Chartres, see Raimond van Marle, *Iconographie de l'art profane au Moyen Age et à la Renaissance* 2 (The Hague, 1931-32), p. 90, fig. 104.

³² *II. epistula S. Severi ad Claudiam sororem de uirginitate* 8, 10, ed. C. Halm, CSEL 1 (Vienna, 1866), pp. 234, 239.

³³ *De laudibus uirginitatis* 17, 34 (PL 89.115, 133). See also Hugo Rahner, 'Die Weide als Symbol der Keuschheit in der Antike und im Christentum', *Zeitschrift für katholische Theologie* 56 (1932) 231-53.

stringent ascetic practice) that posed a radical antithesis between spirit and flesh, good and evil. In these terms the proper nature of man is spiritual; his body is an unfortunate and potentially disastrous dead weight that 'acquires' sin in the manner of a garment growing soiled through use. When the heat of the sun sets the Phoenix's pyre ablaze, the fire consumes the *læenne lichoman* ... / ... *flæsc ond bān* (219b-22a), which has grown gray and dusky through time (*haswigfeðra*, 153b; *gomel*, 258a). The bird's flesh must be cauterized, wholly destroyed — and only then *synnum āsundrad* — to be reborn (240b-42a). Like the virginal and nigh-angelic soul of man, the Phoenix must slough off the contaminated flesh that it may once again be *geong edniwe* (258b). Then it is with purified *flæsce bifongen* (259a), an ethereal substance that permits it to be *snel ond swift ond swiþe lēoht* in its homeward flight (317), not *hinderweard*, *ne hygegælsa* / *swār ne swongor*, *swā sume fuglas*, that is, neither sluggish nor wanton, torpid nor slothful (314-15).³⁴ The fault alluded to here seems to be *accidia*, that special failing of the monastic life.³⁵ But the metaphor of swift winged flight is even more illuminating, as it seems to have been common as a way of describing the state of rarefaction that virginity bestows upon dense flesh. Of those leading sexless lives Gregory of Nyssa asserts: *ὅτι σαρκὶ συζῶντες, καθ' ὁμοιότητα τῶν ἀσωμάτων δυνάμεων, οὐκ ἐβαροῦντο τῷ ἐφορκίῳ τοῦ σώματος · ἀλλ' ἀνωφερῆς τε καὶ μετέωρος ἦν αὐτῶν ἡ ζωή, ταῖς οὐρανίαις συμμετεωροποροῦσα δυνάμεσι*.³⁶ And Methodius of Olympus speaks of the 'wings of virginity' that bear one up to a life like that of the angels: *Οὐ γὰρ θέμις ἐπὶ γῆς βρίθειν κατὰ τὴν ἑαυτοῦ φύσιν τὸ τῆς παρθενίας πτερόν, ἀλλ' ἄνω φέρειν εἰς οὐρανόν, εἰς καθαρὸν αἰθέρα, καὶ τὸν τῶν ἀγγέλων γείτονα βίον*.³⁷

The renewal of the flesh of the Phoenix is also compared to the growth of a seed. From the fruits of the previous year's harvest

eorla ēadwela eft ālædan
 purh cornes gecynd, þe ær clæne bið
 sæd onsāwen. (251-53a)

³⁴ Blake, *The Phoenix*, p. 78, cites close parallels to the hapax legomenon *hygegælsa*; these have the meanings 'Lascivious, wanton, luxurious.'

³⁵ See Fleming, 'The Dream of the Rood', 63.

³⁶ *De vita sanctae Macrinae* (PG 46.972; Latin translation: 'Quandoquidem cum carne viventes, ad similitudinem vacantium corpore potestatum, onere corporis non premebantur: sed excelsa et sublimis erat earum vita, quippe quae alto erectoque animo cum coelestibus illis potestatibus versabantur').

³⁷ *Convivium decem virginum* 8. 2 (PG 18.141; Latin translation: 'Non enim fas est virginitatis alam suapte indole in terram vergere, cujus potius muneris sit in coelum purumque aethera ac vicinam angelorum vitam tollere').

For the phrase *cornes gecynd* 'the nature of grain' does not make a very satisfying translation, because what in fact is implied (as with the Phoenix) is its reproductive power. The next line confirms this reading, referring to the corn sown 'as *pure* seed' (or, if *clæne* is adverbial, 'as chastely sown seed'). There is no doubt the grain simile traditionally symbolized the resurrection of the body.³⁸ It is traceable to 1 Cor 15:36-37: 'tu quod seminas non vivificatur, nisi prius moriatur. Et quod seminas, non corpus, quod futurum est, seminas, sed nudum granum.' *Clæne* could conceivably translate *nudum*, but the other references to sexual purity in the poem argue the poet chose this term to deal as precisely as possible with the mystery of sexless generation, and thereby to offer an analogue to the miraculous self-regeneration of the Phoenix. The sun acts on the seed as it did on the bird, awakening it to new life (253b-55a, cf. 208b-15), though as the poet makes clear in 255b-57a, the crops are *purh ægne gecynd eft æcende*, that is, by means of their own self-contained generative powers, not those of some other coactive agents.

The verbal emphasis on purity continues. In 451-55 we learn that the *dryhtnes cempa* builds a sturdy nest through prayer and almsdeeds, but not least when he

lænan lifes leahtras dwæscēp,
mirce mǣndæde, healde meotudes æ
beald in brēostum, ond gebedu sēceð
clænum gehygdum. (456-59a)

The term *leahtras* can mean simply 'vices' or 'sins', but as Hermann Gaebler suggested long ago, l. 456 corresponds closely with a line in St. Ambrose's *Hexameron* where the emphasis is plainly upon *castitas* and extinguishing physical lust.³⁹ So also in *Gūthlac*, Adam, of *pære clæne stan* ... / *foldan geworhte*, lived in paradise before his sin *ealra leahtra lēas* (822-23a, 832a). In variation with *leahtras* stands *mirce mǣndæde*, suggesting sins of a specifically vile and murky variety, especially when *leahtras* and *mirce mǣndæde* are seen as antithetical to *clænum gehygdum*.⁴⁰ *Leahtor* is again opposed to *clæne* in a passage describing the souls of the blessed gathered before the throne, ready to be joined again to purified bodies: *Ðær þā lichoman, leahtra clæne, / gongað glædmōde, gæstas hweorfað / in*

³⁸ See Blake, *The Phoenix*, p. 74; Kantrowitz, 'Anglo-Saxon *Phoenix*', 12-13.

³⁹ 'Ueber die Autorschaft des angelsaechsischen Gedichtes vom Phoenix', *Anglia* 3 (1880) 519.

⁴⁰ Note the possibility of a pun on *mǣndæde* and *mǣmdæde*, that is, the most 'human' of deeds, the sexual act.

bānfatu (518-20a). Here, as typically, *leahtor* suggests a conception of sin as contamination, one consonant with a radical dualism wherein the soul is sullied by the body in which it perforce resides. Later in the long judgment passage the saved are described as *clāene ond gecorene* (541a): *Bēoð þonne āmerede monna gæstas, / beorhte ābȳwde þurh bryne fȳres* (544-45; cf. 633a). Their souls are cleansed bright by the destruction of the sinful flesh. By contrast, the devil is termed *fāh* 'hostile', but more probably in this context 'stained' or 'defiled' (more usually *fāg*), as the same line also describes him as *gemāh* 'wanton' or 'shameless' (595). No longer, however, may he afflict the blessed with 'smirch' or 'blemish' (*fācne*), *ac þær lifgað ā lēohte werede, / swā se fugel fenix, in freoþu dryhtnes, / wlitige in wuldre* (595b-98a). These lines say more than that the Anglo-Saxon monk saw heaven as a *clāen*, well-lighted place; they draw a contrast between the existential purity of the virginal soul clothed in light — its fundamental resemblance to the Phoenix — and the foul condition of the soul mired in sinful flesh. Some lines in *Gūthlac* regarding the latter status confirm the view of sin as contamination and also point directly to the sexual nature of the offense which is the ultimate cause of man's uncleanness. Guthlac asserts he is not greatly concerned with *hella þegna*, for *ne mæg synne on me / fācnes frumbearn fyrene gestælan, / lices leahtor* (1069-72a). Note *fyrene* and *leahtor*, but especially *fācnes frumbearn*, literally 'the firstborn of defilements', an evident reference to the first fall from angelic purity.

The foregoing argues that the monastic poet of *The Phoenix* saw sexual purity as a prerequisite for eternal life, and that this existential *clāennes*, the sexlessness which is the true condition of the soul freed from the body, lies at the heart of the extended comparison that is, in effect, the poem. Here a passage in Augustine's *De anima* may throw additional light on the world view of the Old English poet. Book 4 of that work is in part a refutation of the view of the human soul held by the Pelagian Vincentius Victor. Augustine argues:

Quod enim de phoenice loqueris, ad rem de qua agitur omnino non pertinet. Resurrectionem quippe illa significat corporum, *non sexum destruit animarum*; si tamen, ut creditur, de sua morte renascitur. Sed arbitror quod tuum sermonem parum putaveris fore plausibilem, si non multa de phoenice more adolescentium declamares ... Falsa sunt haec, fili: si non vis ut sit in anima sexus; non sit et corpus.⁴¹

For Augustine the Phoenix means the resurrection of a distinctly sexuste body; but for the Pelagians, evidently, it signified the sex-

⁴¹ *De anima et eius origine* 4. 20. 33 (CSEL 60. 411-12).

lessness of the soul and was therefore an apt symbol of the condition of decarnate spirituality destined for the blessed in heaven. If the soul is inherently angelic and merely resides in flesh, a salient feature of Pelagianism follows structurally, that a certain judicious asceticism, including especially the practice of celibacy, is sufficient to merit salvation and eternal life. A number of Old English poems reflect a less pessimistic view of man's potential for salvation than that of Augustinian orthodoxy, and perhaps *The Phoenix* illustrates best this 'semipelagian' bias. The poem speaks of Christ opening the way of salvation *hālgum tōgēanes*, for the sake of the holy (421b). These blessed ones are to be *æfter wræchwilē weorcum bifongen*, / *āgnum dāedum* (527-28a). In other words, he who *his āgnum hēr / willum gewyrceð*, who acts by his own choice, shall become *āenlīc ond edgeong*, literally 'one' and 'renewed' (536-37a). It is confidently asserted that such a one can *gode līcian* (517b) by his actions; more, he *sylf gecēoseð* (381-82) and *earnað* (484a) eternal life (cf. *Gū.* 790-818). Here is no thought of passive acceptance of a wholly gratuitous atonement, but the conviction that salvation is a matter of enlightened self-reliance.

In the austere dualism of the monastic author of *The Phoenix*, the mythical bird that regenerates itself with no need of the inherently sinful means of sexual union is the symbolic prototype of the human soul, which gains eternal life only through the strictest renunciation of the flesh. To modern ears the restriction of salvation to the *clēne ond gecorene* seems exigent and uncompromising. It invites the inference that in the apocalyptic of early English monasticism, the life which all ordinary men lead on earth (not to mention the physical means of its continuance) was a positive misfortune, tainted and degenerate. But the monkish poet of *Gūthlac* attests to precisely this view, in cheerless verses which preclude man's finding any reassurance in the sequence of generations:

Ealdað eorþan blæd æþela gehwylcre
 ond of wlite wendað wæstma gecyndu;
 bið sēo sīpre tīd sæda gehwylces
 mætræ in mægne. Forþon se mon ne þearf
 tō þisse worulde wyrpe gehycgan. (43-47)

The passage invokes the mystery of human entelechy, but pointedly despairs of the 'natural' procreative process (50-53a), for that line of action is one of progressive degeneration, signalling the world's inexorable decline from a state of original perfection and simplicity: *Is þēs middangeard / dālum gedæled* (53b-54a). In This poet's starkly

apocalyptic view (however alien to normative Christianity it may be adjudged), there can be no hope for the world, nor compromise with it: only absolute non-involvement with the material world allows the confident expectation of eternal life.

Such is the meaning of the Phoenix as a *tīrfæst tācen* (574a). The bird is both sign and symbol: symbol of the ontological status the soul must reattain to enter the heavenly kingdom, and apocalyptic sign of the purifying fire of the last day. In regard to the latter the Lactantian poem mentions only that the bird makes its appearance 'postquam vitae iam mille peregerit annos' (59), and that the Egyptians thereby demarcate the passage of epochs: 'Protinus exculpunt sacrato in marmore formam / Et titulo signant remque diemque novo' (153-54). In the Old English poem on the other hand, men bear witness in writings and skillfully carve in stone the time and the day when the perfections of the swift-flyer shall be revealed to the multitudes (331-35a). They mark time until the Second Coming, when the meaning of the Phoenix shall be made known in a blazon of revelation:

Ðonne on lēoht cymeð
 ældum þisses in þā openan tīd
 fæger ond gefēalīc fugles tācen. (508b-10)

Until then, while the world lasts and the Phoenix continues to make its periodic journey to *þās dēaðdene*, 'mors ubi regna tenet' (*De ave* 64), its full significance as an emblem of immortality will be known only to those who appreciate the secret of its eternal life, its sexlessness, the fact that 'Veneris foedera nulla colit' (164). For as the ascetic theodicy of early monasticism saw death as a primordial derangement of man's nature caused by an original sexual transgression, so did it correspondingly exalt the virginal state as the distinguishing mark of eternal life. For this reason reading *The Phoenix* merely as a celebration of the dogma of individual resurrection lacks depth and precision. That, of course, is an integral part of its meaning, as is also Christ's Resurrection (642b-49). But beyond the mystery of the body rising from its own dust and ashes is one more recondite: virginity as the warrant of what *se hælend ūs helpe gefremede / þurh his līces gedāl, lif būtan ende* (650-51).

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THE CONCEPT OF KINGSHIP IN WILLIAM OF MALMESBURY'S *GESTA REGUM* AND *HISTORIA NOVELLA*

Joan Gluckauf Haahr

IN the twelfth century the role of the king was still in the process of being defined, and the powers of the monarchy itself were as yet evolving. Numerous treatises on monarchy, both practical handbooks and general theory, had been written since the early Middle Ages.¹ The distinction between civil and ecclesiastical authority was by no means clear. Both *regnum* and *sacerdotium* were held to derive their powers from the grace of God, and it was only the extension of those powers and not their nature which was open to question. In England before the Norman Conquest, 'the bishop sat beside the earl in the shire court, ecclesiastical pleas were heard in the hundred court, and the spiritual element was so strong in the national assembly that it is sometimes described as a synod.'² With the coming of the Normans, the anointed king, as God's vicar, assumed to some extent a priestly character, and

¹ Some of the best known treatises throughout the Middle Ages were the discussion in Augustine's *City of God*; Cassian, *Liber de principatibus*; Isidore, *De principis honestate* and *De regnis*; Jonas of Orléans, *De institutione regia*; Hincmar of Rheims, *De regis persona et regio ministerio*; Sedulius Scottus, *De rectoribus Christianis*; Peter Damian, *De principis officiis*; Hugh of Fleury, *De potestate regia*; John of Salisbury, *Policraticus*; as well as tracts by Gerald of Wales, Gilbert of Tournai, St. Thomas Aquinas, William Perrault, Giles of Rome, Jacques de Cessoles and Thomas Hoccleve. See Lester Kruger Born, 'The Perfect Prince: A Study in Thirteenth and Fourteenth Century Ideals', *Speculum* 3 (1928) 470-504.

We may be reminded of *Macbeth* IV, 3, 91-4:

The king becoming graces;
As justice, verity, temperance, stableness,
Bounty, perseverance, mercy, lowliness,
Devotion, patience, courage, fortitude.

² Sir Frank Stenton, *Anglo-Saxon England*, 2nd. ed. rev. (Oxford, 1967), p. 538.

was himself the subject of glorification as expressed in liturgical *laudes*.³ Not even church reformers would deny that the king derived his power from God, a belief which had come down from the writings of the Fathers and had become firmly established by the ninth century. Even the cruelest and most tyrannical monarch could be viewed no less as God's vicar when he appeared as God's scourge.⁴ It is nevertheless true that not all men, even when they upheld the king's divine authority, supported the monarchy with great fervor. Never very far from the surface in medieval political theory, co-existing with the patristic tradition of the king as ruler *dei gratia*, there was a tradition, partly deriving from the elective nature of German tribal rule and partly from the Old Testament, which attempted to define the king's authority within limits.⁵ It is this tradition which was picked up by the leaders of the Church when, in the eleventh and twelfth centuries, they began to assert their independence from the civil authority.

In theory, a king proved himself unfit to rule if he did not act out of regard for justice. Isidore of Seville quoted an ancient proverb, 'Thou shall be king if thou dost rightly; if not thou shalt not be king,'⁶ and this definition was referred to by a number of writers of the ninth century. Hincmar of Rheims, in a series of treatises on kingship, suggested that the objectives of a true king were the pursuit of justice and wisdom, the display of mercy and the demonstration of the fear of God. The only standard of justice which could be applied was that of the law. John of Salisbury, in the *Policraticus*, gave the most complete statement: a prince rules by law and obeys the law; without respect for the law and his subjects' rights a man may be a king in name but he is a tyrant in fact.⁷ A political theorist of the tenth century defined the characteristics of the king: prudence, courage, self-restraint. 'The man who possesses these qualities, though he were a peasant, may not improperly be called a king.' Without them, though he rule the world, he is no king.⁸ In John

³ See Ernst H. Kantorowicz, *Laudes regiae. A Study in Liturgical Acclamations and Medieval Ruler Worship* (Berkeley, 1958), especially pp. 171-179 for a discussion of the English *laudes*. See also the same author's *The King's Two Bodies* (Princeton, 1957).

⁴ J. E. A. Jolliffe, *Angevin Kingship* (New York, 1955), p. 16.

⁵ R. W. Carlyle and A. J. Carlyle, *A History of Medieval Political Theory in the West* 1 (New York, 1903), chap. 18.

⁶ *Etymologiae* 9.3, quoted in Carlyle, *Medieval Political Theory* 1.172.

⁷ *Policraticus* 4, 1; *The Statesman's Book of John of Salisbury*, trans. John Dickinson (New York, 1927), p. 3.

⁸ Raterius of Verona, *Praeloquia* 3.1, quoted in Carlyle, *Medieval Political Theory* 3 (New York, 1915), p. 127.

of Salisbury, the demand that the king embody justice and even-handedly enforce the law led to the conclusion that the tyrant has no rights and may be slain. A doctrine of impeachment was advocated even by Thomas Aquinas who, in his tract *On Kingship*, accorded the public authority the right to depose or limit the powers of a tyrannous king.⁹

The movement of Church reform and the consequent controversy over investiture rights exacerbated the difference between those who held the theory of sacral kingship and royal supremacy and those (primarily clerics) who declared that the king rules only through a form of social contract. The most outspoken statement of the former position survives in a tract by the so-called Anonymous of York (or Norman Anonymous), who wrote in defense of Henry I in his conflicts with Anselm: 'The power of the king is the power of God; this power, namely, is God's by nature and the king's by Grace. Hence, the king, too, is God and Christ, but by Grace, and whatsoever he does he does not simply as a man, but as one who has become God and Christ by Grace.'¹⁰ The argument in this extreme form was no longer common in the twelfth century, most kings preferring to uphold their authority by legal rather than theological arguments, and in response to the more common contention that the king derived his authority from his ethical stance, most kings chose to forego theoretical doctrines of kingship and concentrate on consolidating their powers and boundaries. The lawyers, through whom the king worked, were unable to formulate a theory of kingship because their knowledge and experience were too fragmented; the theories of the clerics, on the other hand, were largely too abstract and too removed from reality to have much meaning, and most medieval writings on the monarchy demonstrated a lack of perception of the real issues.¹¹

The distance of theory from actuality is illustrated in a postscript which St. Thomas added to his claim of the public right to depose a

⁹ St. Thomas Aquinas, *On Kingship to the King of Cyprus*, trans. Gerald B. Phelan (Toronto, 1949), §48-49.

¹⁰ Quoted in Joel T. Rosenthal, 'The King's "Wicked Advisers" and Medieval Baronial Rebellions', *Political Science Quarterly* 82 (1967) 602. Note John of Salisbury's qualifications: 'The Prince is a kind of likeness of divinity and the tyrant, on the contrary, a likeness of the Adversary, even of the wickedness of Lucifer, imitating him that sought to build his throne to the north and make himself like unto the Most High, with the exception of His goodness' (*Polycraticus* 8.17; Dickinson, pp. 335-6).

¹¹ See Jolliffe, *Angevin Kingship*, pp. 17-19.

tyrant: if this is impossible, the maligned public should pray to God to 'turn the cruel heart of the king to mildness.'¹² Gradually the theory of divine hereditary right became widely held, and the feudal theory of kingship prevailed. But the principle of primogeniture was not accepted as the deciding factor in succession until the thirteenth century, and even then, more often than not, it was disregarded.¹³

How did all this theory, all this concern for what Professor McIlwain has called 'constitutionalism' (that is, 'the institution of limited government')¹⁴ influence William of Malmesbury, the only historian in the five hundred years since Bede to compose a comprehensive history of the English monarchy? We would have to say, very little. William in the *Gesta regum* showed scant interest in discussing the theoretical assumptions underlying the institution of the monarchy. Indeed, throughout his writings, theoretical speculation is rare; even his works of *lectio divina* deal largely with matters of moral theology.¹⁵ The more practical arts, whether of politics, medicine, *computus* or law, were another matter, and William's histories (the *Gesta regum*, *Gesta pontificum* and *Historia novella*) are characterized by the precision of their presentation of events. William attempted to define, with as much clarity as the continuous panorama of events would allow, the qualifications of a successful monarch, and although the criteria upon which he based each evaluation were largely ethical commonplaces, his ultimate criterion was the intensely practical one of the success or failure of each king to strengthen the realm.

William had favored the movement of Church reform and opposed the royal position in the controversy over investiture, but otherwise his criticism of the royal authority was limited to weak rather than strong kings. The name of tyrant he gave only to the Danish invader Sweyn (*GR* §179; *G*-190)¹⁶ and with the exception of William Rufus, whose per-

¹² *On Kingship* §51.

¹³ See Austen Lane Poole, *From Domesday Book to Magna Carta*, 2nd ed. (Oxford, 1951), p. 170.

¹⁴ C. H. McIlwain, 'Medieval Institutions in the Modern World', reprinted in C. Warren Hollister, ed., *The Twelfth Century Renaissance* (New York, 1969), p. 76.

¹⁵ See D. H. Farmer, 'William of Malmesbury's *Commentary on Lamentations*', *Studia monastica* 4 (1962) 309.

¹⁶ All quotations from the *Gesta regum* are from the translation by J. A. Giles, *William of Malmesbury's Chronicle of the Kings of England* (London, 1847; rpt. 1904, 1968) (*G*). In order to make possible easy reference to William's Latin text, I have also noted the article number of each quotation in the Rolls edition: William Stubbs, *Willelmi Malmesbiriensis monachi De gestis regum Anglorum; Historia novella* (London, 1887-1889) (*GR* or *HN*). Quotations from the *Gesta pontificum* are from the edition by N.E.S.A. Hamilton (London, 1870) (*GP*).

sonal corruption made him, as most subsequent authorities agree, probably the worst king England ever had, William of Malmesbury commended (although with varying degrees of enthusiasm) those kings who ruled strongly and increased the authority of the central administration and, hence, the public safety. In a remarkable passage, William praised the 'rigor of Edgar's justice' whereby 'he permitted no person, be his dignity what it might, to elude the laws with impunity. In his time there was no private thief, no public free-booter, unless such as chose to risk the loss of life for their attacks upon the property of others' (*GR* §155; *G*-158). When we realize that it was not uncommon for perpetrators of minor thefts to have their eyes put out, their limbs and scalp torn off, after which they were exposed to birds and beasts of prey,¹⁷ we may have cause to wonder even if we acknowledge the possibility that William may intentionally have been idealizing the past. The reign of Edwin in the seventh century was similarly praised:

The merciful grace of God smiled on the devotion of the king; insomuch that not only the nations of Britain ... the Angles, Scots and Picts, but even the Orkney and Mevanian isles ... both feared his arms and venerated his power. At that time there was no public robber, no domestic thief; the tempter of conjugal fidelity was far distant; the plunderer of another man's inheritance was in exile: a state of things redounding to his praise and worthy of celebration in our times. In short, such was the increase of his power, that justice and peace willingly met and kissed each other, imparting mutual acts of kindness. (*GR* §48; *G*-45)¹⁸

There is little doubt that William saw 'law and order', rigorously enforced, as a principal ingredient of national prosperity, and the strongest kings were most likely to be able to enforce the law.

On the other hand, too great severity, 'tempered by no affability', was likely, as in the case of Rufus' reign, to lead to the formation of conspiracies against the king (*GR* §319-20; *G*-339-40). Under no circumstances, however, could even the thought of regicide be entertained, although the slaying in battle of a cruel king might be viewed as a visi-

¹⁷ Giles, *Chronicle*, p. 158 n.

¹⁸ The peaceful reign, characterized by the absence of all crime, became a commonplace for describing the successful medieval kingdom. Even as late as the nineteenth century Carlyle wrote thus of William the Conqueror's reign (*Past and Present*, vol. 3, chap. 13 'Democracy'), and Dickens, in his *Child's History of England*, spoke of similar golden ages under Kings Edwin of Northumbria and Alfred the Great. The picture of the embrace of justice and peace recalls, too, the climactic scene in the eighteenth passus of *Piers Plowman*, when, after Piers' apocalyptic message, the four daughters of God, Justice, Peace, Truth and Love join hands and dance together, heralding the resurrection (B-Passus XVIII, 416-24).

tation of God (*GR* §74; *G*-70). The regicide Ethelbald himself was slain, receiving 'the just reward of his treachery' (*GR* §79; *G*-73). Canute, having obtained the English throne upon the murder of Edmund, made it his first order of business, according to William, to punish Edmund's murderers, who had come forth hoping to obtain a reward. In words which echo King David's condemnation of the young murderer of Saul, Canute attacks the culprit for treason 'both to God and to me, having killed thy own sovereign and my sworn brother; thy blood upon thy head because thy mouth hath spoken against thee, and thou hast lifted thy hand against the Lord's anointed' (*GR* §181; *G*-197).¹⁹ If, however, laws were just and impartial, serving rich and poor alike (*GR* §183; *G*-199-200), they might be strictly administered. King Henry, who undid the unjust laws promulgated under Rufus (*GR* §393; *G*-427) and revived the Anglo-Saxon laws of Edward the Confessor, was then able to be 'inflexible in the administration of justice'. The extent to which Henry personally participated in law enforcement is made clear from the following passage:

Seeking after robbers and counterfeiters with the greatest diligence, and punishing them when discovered, neither was he by any means negligent in matters of lesser importance. When he heard that the tradesmen refused broken money, though of good silver, he commanded the whole of it to be broken or cut into pieces. The measure of his own arm was applied to correct the false ell of the traders, and enjoined on all throughout England. He made a regulation for the followers of his court, at whichever of his possessions he might be resident, stating what they should accept without payment from the country-folks; and how much, and at what price, they should purchase; punishing the transgressors by a heavy pecuniary fine or loss of life. In the beginning of his reign, that he might awe the delinquents by the terror of example, he was more inclined to punish by deprivation of limb; afterwards by mulct. Thus, in consequence of the rectitude of his conduct, as is natural to man, he was venerated by the nobility and beloved by the common people. If at any time the latter sort, regardless of their plighted oath, wandered from the path of fidelity, he immediately recalled them to the straight road by the wisdom of his plans and his unceasing exertions; bringing back the refractory to soundness of mind by the wounds he inflicted on their bodies. (*GR* §411; *G*-445-6)

¹⁹ The quotation is from 2 Samuel 1:16 and is astonishingly apt. David condemns in these words the young Amalekite who confessed to slaying Saul. But the circumstances of Saul's death, like that of Edmund, were far from clear, and it is apparent that the Biblical writer, like William, was trying to reconcile two disparate historical traditions.

This was not exactly the truth as Henry's reign has subsequently been viewed, but Henry *was*, at his coronation, compelled to issue a charter of liberties which proclaimed his subordination to the law, even though the so-called *Leges Henrici primi* describes an archaic legal system, dependent on Anglo-Saxon precedent and based on a system of fixed penalties.²⁰

Nowhere in William of Malmesbury's writings do we find any dissatisfaction with current legal practise or eagerness for any increase in civil liberties such as developed in the course of the twelfth century. William seems wholly to have approved of the legal system as it functioned during the reign of Henry I, and he showed himself indifferent to the crude forms punishment sometimes took. Mutilation, which had been the primary form of punishment under the Conqueror, decreased somewhat when Henry restored the use of capital punishment, but it was not uncommon for the suspected criminal to be dealt with summarily upon capture, without formal accusation or defense.²¹ Not until the time of Henry II, did even the most elementary civil liberties appear and the criminal's conviction become not a foregone conclusion. Settlement out of court on the basis of insufficient evidence, or trial by jury (although not in the modern sense; it was used primarily to obtain information), provided the accused with some possibility of a favorable decision.

William of Malmesbury gave little thought to the rights of the accused. The law had a single function — to provide a yardstick for keeping the peace — and in this demand William was, in theory at least, more in sympathy with his Anglo-Saxon than his Norman ancestors. The law, as written down, was not open to interpretation, and William reserved his greatest praise for those monarchs or noblemen at whose instigation laws were enacted or codified, 'leaving nothing doubtful for the future' (*GR* §9; *G*-13). Yet the kind of royal absolutism which he saw as necessary for the rigid enforcement of the law became only gradually a reality as the Norman kings consolidated their power and centralized the administration of government. William's conception of some of the stronger Anglo-Saxon kings (especially Edgar and Athelstan) as absolute monarchs, in the sense that Henry was trying to make his power absolute, was an erroneous one, based on a misreading of history and ignorance of the fragmentation of English power before the Conquest.

²⁰ Poole, *Domesday Book*, pp. 6, 386.

²¹ *ibid.*, p. 404.

While Henry certainly did his share in centering all authority in his own person, even he succeeded only to a limited extent, and the extent of his failure is made apparent by the chaotic years, characterized by civil wars, which followed his death. That the dream of the Norman kings of a single authority under which all of England was to rest was ultimately to become a reality does not make William's assumption any the less inaccurate. The reigns of the Norman kings were in reality characterized by the influence of personality rather than bureaucracy (it was perhaps this which led William to place so much emphasis on the personal qualities of each king), by arbitrariness rather than procedure, by private favor rather than public policy. Unlike the succeeding Angevins, the power of the Norman kings was limited. The law was fragmented and not uniformly embodied in a clear structure, and was thus open to violation or distortion, especially by the king. But for William, the king's will, provided it contributed to the common prosperity, might work as it would. No king who protected the majority of his subjects and did not encroach upon the rights of the Church could be called a tyrant.

Piety came first among the characteristics of a good king who, devoted to God, must arm himself in faith before military equipment (*GR* §49; *G*-46). Excessive piety in a monarch was nevertheless almost as great a danger to the kingdom as apostasy. A king demonstrated his piety by contributing generously to the foundation of religious establishments, by himself participating in the prescribed rituals, and by creating a climate favorable to the flourishing of arts and letters. Alfred was perhaps the best example of a happy combination of all three, Alfred who according to Asser regularly gave one third of his day and more than one half of his income to religious pursuits (*GR* §123; *G*-121). The chief business of the king, however, was the defense of the realm and the protection of its citizens, and the king who was pious to excess invited the ruin of his kingdom. Ethelwulf, despite his generosity to the Church (he granted every tenth hide of land to the monasteries, and rebuilt the Schola Anglorum in Rome), was of a 'heavy and sluggish disposition', and was forced to bestow the kingdom upon his son in order to ensure its protection (*GR* §108; *G*-97-8). Edward the Confessor was 'a man from the simplicity of his manners little calculated to govern' (*GR* §196; *G*-213), and were it not for the benevolence of God and the vigorous support of the nobles he could not have held the country together. Even then, William tells us, 'there were some things which obscured the glory of Edward's times: the monasteries were deprived of their monks; false sentences were passed by depraved men'

(*GR* §196; *G*-214), and Edward himself, in his 'indolence', would promise anything 'from the exigency of the moment' (*GR* §197; *G*-215).

William's distaste for a ruler whose affability and, what he would call 'indolence', made him ineffectual undoubtedly derived from his observations of the career of King Henry's older brother Robert, duke of Normandy (called Curt-hose because of his short legs). Despite his martial successes, Robert, because of his easy-going nature, was unable to gain his father's respect and although the Conqueror had (in accordance with the strict Norman custom of primogeniture) named him duke of Normandy and count of Maine, he designated his second son William heir to the English throne. Robert's affability, good nature and liberality make him a rather appealing figure to us (his inability to say no to any request resulted in the dissipation of his inheritance in a few weeks),²² but there is no doubt that not a few of his contemporaries regarded him with severity. Although he was supported by many members of the higher nobility in England and Normandy, Robert was unable to attain the English crown, and his final attempt after William's death to seize the crown from his brother Henry ended when he agreed to a treaty with Henry whereby he surrendered all claim to the English throne in return for the payment of an annuity. The annuity, William tells us, Henry had no intention of paying (*GR* §389; *G*-422), and Robert's quick surrender, when, in all probable truth, his was the superior force, was but another example of his indolence. Even in Jerusalem, we hear from William (in an anecdote told nowhere else), where, climaxing a magnificent campaign, Robert was chosen king, he 'tarnished his glory by an indelible stain, in refusing a kingdom offered to him ... and this, as it is asserted, not through awe of its dignity but through fear of endless labor' (*GR* §389; *G*-421).

Robert, sole ruler of Normandy, was unable or unwilling to offer his subjects the protection they needed from the ruthless attacks of errant noblemen, and finally Henry acted, encouraged to carry out what was probably already policy by appeals from Ivo, bishop of Chartres and, if William of Malmesbury was not lying, from the pope.²³ Admonishing his brother 'to act the prince rather than the monk', Henry submerged 'motives of private affection' in a sense of regard for the 'common

²² *ibid.*, p. 97.

²³ William tells us that Pope Paschal, by letters, urged the hesitating king to invade, 'averring, with his powerful eloquence, that it would not be a civil war, but a signal benefit to a noble country' (*GR* §398; *G*-432). There is no evidence that such letters ever were written.

weal', invaded Normandy, and imprisoned his brother for life. All this met with William's approval, for Henry only responded to 'the sufferings of the country, aware that it was the extreme of cruelty and far from a good king's duty, to suffer abandoned men to riot on the property of the poor' (*GR* §398; *G*-432). While he admitted Robert's charm ('he was so eloquent in his native tongue that none could be more pleasant; in other men's affairs, no counselor was more excellent; in military skill equal to any'), William roundly censured the 'suavity of disposition' which made him 'unfit to have the management of the state' (*GR* §389; *G*-422-3).

Another too affable ruler, Stephen, also displayed the contrasting characteristics of good nature, compassion, imprudence and vacillation (*HN* §461; *G*-491). A modern historian has written of Stephen's brief and chaotic reign (for knowledge of which William of Malmesbury's *Historia novella* is one of our chief sources) that it 'served merely to show that personal charm and knightly qualities were not enough.'²⁴

On the contrary, the king must be courageous and skillful on the battlefield and politically shrewd, 'religious at home, victorious abroad' (*GR* §95; *G*-86), maintaining a just balance between peaceable and martial activity. In short, the judicious king must be 'active in providing what should be beneficial to his empire, firm in defending it, abstinent from war, as far as he could with honor; but when he had determined no longer to forebear, a most severe requiter of injuries, dissipating every opposing danger by the energy of his courage' (*GR* §411; *G*-445). More than a figurehead, he ought personally to direct the course his soldiers are to follow, himself leading his men into battle (*GR* §156; *G*-159). The king rules partly by virtue of his valorous lineage (Godfrey of Lorraine was 'second to none in military virtue and, descended from the ancient lineage of Charles the Great, he inherited much of Charles both in blood and in mind' [*GR* §349; *G*-365]), and, like his ancestors, the warrior chiefs of old, he betrays his trust if he abandons his men. Ethelred, 'wishing to escape the difficulties of a battle and a siege', left his men 'to their own exertions'. Despite the fact that 'they were men laudable in the extreme and such as Mars himself would not have disdained to encounter', they were forced to surrender because of the absence of a 'competent leader' (*GR* §177; *G*-186). King Henry 'frequently went through the ranks', making his men 'perfectly fearless of the Normans' (*GR* §395; *G*-429).

²⁴ K. R. Potter, ed., *The Historia novella* (London-New York, 1955), p. xxxviii.

Like his ancestors, the warrior chiefs of the Germanic tribes, the king must generously reward his followers. Athelstan, a model ruler, lavishly divided the spoils of battle 'man by man, to the whole army. For he had prescribed himself this rule of conduct, never to hoard up riches; but liberally to expend all his acquisition either on monasteries or on his faithful followers' (*GR* §134; *G*-133). Harold, on the other hand, withheld a share of the booty from his men after the battle of Stamford Bridge, and as a result 'many, as they found opportunity, stealing away, deserted the king as he was proceeding to the battle of Hastings ... on which account ... he was routed' and lost the kingdom to William of Normandy (*GR* §228; *G*-257). The line between liberality and prodigality was a thin one and not always easily to be determined. A ruler who curried too great favor with the military (Robert of Normandy [*Prol.* 3; *G*-258]), or who overpaid his soldiers and fed them with extravagant promises of yet greater riches, was as delinquent as the more parsimonious ruler, especially if in the process of enriching his soldiers he, like William Rufus, exhausted the treasure of the kingdom (*GR* §313; *G*-335). William also condemned soldiers who served as mercenaries 'regardless of right and of affinity' (*GR* §402; *G*-436).

The *Gesta regum* shows some concern with the finer points of military strategy, yet the characteristics of the king successful on the battlefield — courage, leadership in battle, loyalty, generosity — differ little from those of the Anglo-Saxon heroic chieftain. But for William of Malmesbury, martial courage often proved itself of less importance than certain undefinable qualities of leadership, and the king who excelled only in military prowess and was deficient in other more statesmanlike characteristics could never attain the stature of the greatest kings. Thus Edward the Elder, a supreme military tactician, 'much inferior to his father [Alfred] in literature, but greatly excelled in extent of power', being invariably successful in the battles he undertook against the Danes, should nevertheless surrender 'the palm' to Alfred, who in his greater learning 'laid the foundation of this extent of dominion' (*GR* §125; *G*-122-3). A wise king governs from a position of considerable advantage. William twice referred to the Platonic adage 'Happy would be the commonwealth if philosophers governed or kings would be philosophers', praising King Edward for educating his sons 'that afterwards they might succeed to govern the state not like rustics but philosophers' (*GR* §390, 126; *G*-425, 125).²⁵

²⁵ *Republic* 5. 473, quoted by Cicero, *Ad Quintum fratrem* 1.1.29, and Boethius, *Consolation of Philosophy* 1.4.20.

From the early years of the Anglo-Saxon kingdoms, those kings who were educated were able to govern best. Alfrid of Northumbria in the seventh century, barred from the government by his illegitimate birth, was, after becoming steeped in letters in Ireland, called upon by 'the very persons who had formerly banished him, esteeming him the better qualified to manage the reins of government', and he reigned in peace for nineteen years (*GR* §15; *G*-53). Ceolwulf, to whom Bede gave the *Ecclesiastical History* for correction, was 'possessed of a depth of literature acquired by good abilities and indefatigable attention' (*GR* §53; *G*-53), and governed well, although he eventually entered the monastery at Lindisfarne, 'thinking it beneath the dignity of a Christian to be immersed in earthly things' (*GR* §64; *G*-61). Athelstan received a thorough education as a child, studying first the knowledge of the schools and then passing on to military science (*GR* §133; *G*-132). Similarly, Henry I (in what was surely wishful thinking on William's part) was said to have spent 'the early years of instruction in liberal arts, and so thoroughly imbibed the sweets of learning, that no warlike commotions, no pressures of business, could ever erase them from his noble mind... His learning ... though obtained by snatches (!), assisted him much in the science of governing' (*GR* §390; *G*-425). King David of Scotland was able, through education, to rub off 'all the rust of Scottish barbarism', and through his influence the common taste was greatly elevated (*GR* §400; *G*-434-5). In his praise of his patron Robert of Gloucester, never because of his illegitimate birth to rule, William made him the very model of all kingly virtues: 'Justly do you regulate, indeed, your exalted rank in life, neither omitting the toils of war for literature, nor condemning literature, as some do, for military service. Here also the excess of your learning appears; for whilst you love books, you manifest how deeply you have drunk of the stream' (*GR* §447; *G*-477).

A king must, then, be pious, brave and learned. He must also demonstrate authority: through the law, if possible, without it, if not. If he is wise, he will follow the best course for himself and the commonweal; if he is prudent, he will never jeopardize the fragile balance of power which he must maintain (*GR* §306; *G*-329). He must be aware of the virtue of moderation in all things, for proper regulation of conduct inevitably leads to success (*GR* §35, 42; *G*-32, 38), and he must use his own authority to urge moderation upon his subjects (*GR* §405; *G*-439). He must be humble, 'equally to be admired for the extent of his power and the lowliness of his mind' (*GR* §95; *G*-86), and magnanimous. Like Athelstan, the model king was 'to the clergy ... humble and affable; to the laity mild and pleasant; to the nobility rather reserved from respect

to his dignity; to the lower classes, laying aside the stateliness of power, ... kind and condescending.' Athelstan, above all, was characterized by the quality of magnanimity: in one anecdote, having deposed the Welsh and Scottish kings from their thrones, he was said to have 'restored them to their original state, that they might reign under him, saying, "it was more glorious to make than to be a king"' (GR §131; G-129). Even William Rufus could, on occasion, be magnanimous (GR §419; G-450).

An abstract of the model king emerges from William's narrative, but the idealization is usually tempered by a more realistic appraisal of the actual state of events. William attempted to fit each ruler into the pattern of the perfect prince as described in the treatises, but little correlation appears to exist between these ideal excellences and the qualities which William, as a pragmatic observer of the political scene, saw as necessary to effective monarchy. Most important of these was power, and in his discussion of Henry's reign, William showed his awareness of the importance of the political virtues of shrewdness and the ability to manipulate others (GR §419; G-450, HN §450; G-481). If the virtues he espoused were not always essential to kingship in fact, they nevertheless show the extent of his own reading. Piety and humility were the chief Christian virtues, and learning was the ideal of the monastic community. Magnanimity was the classical virtue *par excellence*,²⁶ and courage, liberality and loyalty were ethical cornerstones of most medieval peoples. So the ideal king combined the virtues of all traditions, and resembled very little any single king, Anglo-Saxon or Norman. Unlike most theorists on the monarchy, however, William was more interested in granting power to the king than in limiting his powers. Most writers on the subject were more afraid of tyranny than of anarchy.

If the king's relationship to the majority of his subjects should be one of firm and fair control, what should be his relationship to the chief of his nobility? We must remember that the theory of divine right, which set the king distinctly apart from the rest of the nobility, was not really established until the thirteenth century and later, and the Norman kings ruled more by feudal right than any other. In short, 'they were to be kings because they were already lords',²⁷ and bound their inferiors to them by ties of filial obedience, feudal homage or oaths. Even this was in marked contrast to English custom, where five out of the eight

²⁶ See Heinz Richter, *Englische Geschichtschreiber des 12. Jahrhunderts: Eadmer, Wilhelm von Malmesbury, Ordericus Vitalis* (Berlin, 1938), p. 91.

²⁷ Jolliffe, *Angevin Kingship*, p. 23.

Anglo-Saxon kings who preceded Canute were elected monarchs, deriving their power from the cooperation and support of the chief men of the kingdom. The connection was not feudal because it was temporary. Nor was it hereditary. The idea of hereditary monarchy came only into gradual acceptance in the course of the next two centuries. John of Salisbury, for example, thought the king's son should rule only if he were worthy in his own right. By the late fourteenth century, however, hereditary kingship was taken for granted.²⁸ If the Anglo-Saxon king ruled with divine sanction, as the representative of Christ, it was largely because the boundaries between the civil and spiritual authority had not been defined and the king acted as the voice of the ecclesiastical authority (whose appointments he controlled), often indeed, speaking 'as a homilist rather than a ruler'.²⁹

The Conqueror, ruler in his own country by right of feudal inheritance, hoped, when he added England to his domain, to enhance his rule and that of his successors with the divine sanction of the Anglo-Saxon tradition. He introduced into England the ritual of liturgical *laudes* before the crowned king which had accompanied ruler worship in the Byzantine Empire,³⁰ and made the most of the pomp and circumstance which added to his luster as king. Set above the other nobility by the solemnity and splendor of their court traditions, the Norman kings chose every opportunity to show the magnificence of their rule in order to demonstrate their superiority to their rivals. So much did they succeed that even so perceptive and sagacious a historian as William of Malmesbury persistently misread history in the light of the Norman experience, looking upon challengers to the king's authority, even in the days of the Anglo-Saxon kingdoms, as usurpers.³¹

During the eleventh and twelfth centuries the royal unction was loosely classed among the sacraments of the church,³² and no other nobleman could aspire to the same position as the king so anointed as God's regent, ruler of the entire populace. The full extent of royal

²⁸ Born, 'The Perfect Prince', 503-4.

²⁹ Stenton, *Anglo-Saxon England*, p. 538.

³⁰ Poole, *Domesday Book*, p. 4, and Kantorowicz, *Laudes regiae*.

³¹ Another result was the long-lived belief in the thaumaturgical power of monarchs, which began with legends following the death of the Confessor, grew widespread under the Norman and Angevin kings, and lasted in England until the eighteenth century. See Poole, *Domesday Book*, p. 5.

³² By, among others, Peter Damian (d. 1072) and Peter of Blois (d. 1200). Eventually, however, the growing opposition of the clergy towards secular authority led to the classification of royal unction as a sacramental (as opposed to the higher sacrament of clerical ordination).

power was, however, only gradually established over the course of one and a half centuries, and despite the theocratic nature of the king's rule in theory, in actual fact there was much opposition to the dominant role which the Norman kings assumed. None of the three Norman kings had reigns free from revolt, and it was only at times with difficulty that they were able to quell the opposition. That the monarchy entertained the sanction of the Church had little meaning when actual power politics came into play. The extent to which this was so is shown by the inability of the Normans to ensure an orderly succession. The Conqueror was able to designate his second son, William Rufus, as his successor, both because he obtained the support of Archbishop Lanfranc,³³ and because Rufus, even before he heard of his father's death, was on his way to England to be sure that there would be no opposition. 'William had sailed for England, ere the king had well breathed his last; thinking it more advantageous to look to his future benefit than to be present at the funeral of his father', wrote William of Malmesbury, not without a trace of contempt (*GR* §283; *G*-311). When William Rufus, after reigning for thirteen years, was slain by an arrow during a hunting party,³⁴ his brother Henry rushed to take the treasury into his own hands, even abandoning his brother's body in the woods, and immediately had himself elected king. His accession, upheld by the clergy and the populace at large in a replay of what had occurred thirteen years before, was contested by Robert of Normandy, who had some degree of justice in his claim to the throne, and a number of nobles, led by Rufus' agent Ralph Flambard. Robert was duped into signing a treaty recognizing Henry's claims to England, and Henry gradually deprived all his enemies of power, not least his brother, whom he ultimately imprisoned for life. William of Malmesbury had no doubts as to the legitimacy of Henry's rule, and he branded as traitors all those who opposed him, though it is clear from his narrative that they consisted of a not inconsiderable number and that Robert, had he not surrendered, at least stood a chance of winning the crown (*GR* §395; *G*-429-30).

The personal quality of Norman rule, and its dependence upon a

³³ Poole, *Domesday Book*, p. 98.

³⁴ Whether he was slain accidentally or deliberately is still not known. See Poole, *Domesday Book*, pp. 113-114, and a recent defense of William Rufus, Duncan Grinnell-Milne, *The Killing of William Rufus: An Investigation in the New Forest* (New York, 1968). William of Malmesbury called it an accident, but the fact is that all who had most to gain from the king's death were members of the party.

united clergy, was nowhere made clearer than by the events which followed the death of Henry I. Deprived by an untimely accident of a legitimate heir (Prince William had perished in the White Ship disaster), Henry had attempted to ensure the throne to his daughter Matilda through an oath administered to all the nobility. No sooner was he dead, however, than a revolt began, led by Stephen of Blois, who, William tells us, had earlier fought to be the first to take the oath to Matilda (*HN* §452; *G*-483). Stephen rushed home from Rouen, where Henry had been buried, and was received as king by a number of the people and clergy, including his brother Henry, bishop of Winchester, and he was crowned three weeks after Henry's death. The country was split down the middle, with half the nobility and clergy supporting Stephen and the other half, under the leadership of Robert of Gloucester, Matilda's half-brother, supporting the empress. The resulting civil war was not brought to a conclusion until a compromise was reached which would, after Stephen's death, put Matilda's son by the duke of Anjou on the throne, ending the century of Norman rule. A certain irony lies in the fact that, after twenty years of war, the very result which Matilda's opponents most feared came to pass — for it was her marriage to Geoffrey of Anjou, which had alienated the Norman nobility and, at least in part, led them to break their oath in her support in their dread of Angevin power (*HN* §452; *G*-483).

What was William of Malmesbury's stand on the royal succession? Nowhere in the *Gesta regum* did he favor strict hereditary succession, although he used the argument of inheritance as an additional element in favor of a claimant he supported. Thus, a great king like Ine of Northumbria might ascend 'the throne more from the innate activity of his spirit than any legitimate right of succession', as he showed himself born to be king: 'a rare example of fortitude; a mirror of prudence; unequalled in piety' (*GR* §35; *G*-32). Both Alfrid of Northumbria and later Athelstan were illegitimate, but this was no bar to their succession. The former, banished in early life, devoted his years in exile to study, and was ultimately recalled upon the death of his brother (*GR* §52; *G*-53). Athelstan, whose illegitimacy was no cause for disdain ('so much more excellent is it to have that for which we are renowned inherent, than derived from our ancestors; because the former is exclusively our own, the latter is imputable to others' [*GR* §131; *G*-128])³⁵

³⁵ The sentiment is a Christian commonplace. See the sermon on 'gentillesse' in Chaucer's *Wife of Bath's Tale* (ll. 1109 ff.) and Chaucer's ballad of the same name. The concept may ultimately have

became a king of legendary fame. The emphasis which William placed on the insignificance of bastardy may have derived, at least in part, from his unwillingness to offend his patron, Henry I's illegitimate son, for it is clear, even from William's own writings, that illegitimacy was held by many to be a barrier to success, probably because it was condemned by the Church and affected rights of inheritance in law.

William's views on succession were sometimes rather arbitrary. He apparently opposed the legitimate succession of Edward the Confessor because Edward's claims were urged by Godwin, whom he disliked, possibly because in Godwin and his family William saw what he most feared, a powerful baronial clan which rivaled in its strength and cohesion the authority of the king, and was able effectively to challenge his power (*GR* §196-7; *G*-215-16).³⁶ Edward's father Ethelred had lost the throne to Sweyn Forkbeard; Ethelred's son Edmund Ironside had ceded most of England to Canute. Upon Canute's death, he was succeeded by his illegitimate son Harold Harefoot, despite the considerable support which existed among the people for either another of Ethelred's sons (then in exile in Normandy) or Hardicanute, Canute's legitimate son. William of Malmesbury was indifferent on the subject of Harold Harefoot's reign. Godwin, 'the great stickler for justice at this juncture', he described, not without sarcasm, as 'professing himself the defender of the fatherless, and having Queen Emma and the royal treasures in his custody' (*GR* §188; *G*-205-6). Godwin was defeated in his wish to see one of Ethelred's sons on the throne, and it was not until after the death of Hardicanute, whom Harold appointed his heir, that he gained his objective. William described in great detail the mission of Godwin to Edward in Normandy, whereby Godwin assured Edward of his support in return for certain guarantees of power. William took the story from the *Vita Aedwardi*, and converted it for his own ends, but in reality both he and his source were in error. The mission never occurred, and Edward had long been a member of Hardicanute's household, where he was regarded as the heir to the throne.³⁷

derived from Boethius. See F. N. Robinson, *The Works of Geoffrey Chaucer*, 2nd ed. (Boston, 1957), pp. 704, 861.

³⁶ Henry's earliest act as king had been to purchase the favor of powerful families without whose cooperation he could not hope to rule, but these concessions weakened both the treasury and the monarchy. See R. W. Southern, 'The Place of Henry I in English History', *Proceedings of the British Academy* 48 (1962) 127-156. It may have been William's dismay over these measures which led him to look with displeasure upon the designs of the powerful baronial families.

³⁷ F. Maurice Powicke and E. B. Fryde, *Handbook of British Chronology*, 2nd ed. (London, 1961), p. 30.

Deriving from his dislike of Godwin and his 'clan' was William's antipathy towards Harold Godwinson. Elected to the kingdom after the Confessor's death, Harold was, according to William, a poor choice (*GR* §238; *G*-271). Elsewhere, William wrote that Harold, 'while the grief for the king's death was yet fresh', seized power and demanded the support of the nobles (*GR* §228; *G*-255). The instability of his reign, characterized, as William says, by perfidy and broken covenants, more than granted legitimacy to the claims of William of Normandy, and by itself justified the Norman Conquest. Moreover, William displayed no doubts about the legitimacy of the Conqueror's succession. Edward, he tells us, had intended that Duke William be his heir. He had even used Harold as envoy to deliver the message (*GR* §228; *G*-253), and it was only by breaking this covenant that Harold acquired the throne (*GR* §238; *G*-271). The tradition that Harold went to Normandy at Edward's behest and made some kind of oath to William is borne out by other Anglo-Norman historians (although there is no mention of it in the *Anglo-Saxon Chronicle*) and by the Bayeux Tapestry.³⁸ Whatever the exact nature of the oath, variously given by diverse chroniclers depending on the extent of their allegiance to the Normans, it seems probable that there existed at least an understanding that Harold would not attempt to thwart William's claim to be Edward's heir. There is no doubt that the tradition of the oath, whether true or false (Eadmer said Harold swore under pressure), constituted a powerful bit of Norman propaganda.³⁹

In his strong insistence upon Harold's perfidy and his unwavering support of the Conqueror, William of Malmesbury makes clear his feeling that popular election in lieu of natural succession was by no means as important in legitimizing the succession as was designation by the former king.⁴⁰ As a supporter of a strong, centralized monarchy, it is natural that William would view an elected monarch as necessarily

³⁸ Florence of Worchester, the sole exception among the Anglo-Norman historians, wrote (1066 A.D.) that the Confessor designated Harold Godwinson his heir. The Bayeux Tapestry shows William seated in majesty on the throne, with Harold making obeisance to him. It may have been commissioned by the Conqueror's brother and erstwhile ally, Odo of Bayeux, who figures prominently in several of its scenes.

³⁹ Stenton believes in the oath. A more recent account of the events is more skeptical. See Alan Lloyd, *The Year of the Conqueror* (London, 1966), pp. 107-17.

⁴⁰ There is evidence that all over western Europe designation by the reigning king was crucial to the accession of the next. See Christopher Brooke, *The Saxon and Norman Kings* (London, 1970), pp. 30-1.

possessing inferior powers and diminished authority.⁴¹ Henry, 'the only one of William's sons born in royalty', thus gained the throne more by natural right, derived from his father's will ('You, too, will be a king,' William told his youngest son [*GR* §390; *G*-425]) than by his subsequent election, which was attended by some dissension (*GR* §393; *G*-426). Henry, in fact, lost the favor of a large part of the nobility, who turned to his brother Robert, and retained only the support of the clergy and, we are told, of the people (*GR* §395; *G*-429). Henry's daughter Matilda, whose succession he hoped to ensure and whose party William of Malmesbury joined, was kept from office by an elected king, Stephen, despite the fact that to her 'alone the legitimate succession belonged, from her grandfather, uncle and father, who were kings; as well as from her maternal descent for many ages back' (*HN* §451; *G*-482).⁴²

The king's character upon accession seemed for William to depend on his ability to maintain his authority and to consolidate his rule, and, in theory at least, to uphold the law. What should, however, have been legal guarantees were in reality little more than personal ones, and if the 'charters of liberties' issued by Henry I, Stephen and Henry II were intended to make the king subordinate to the law,⁴³ in reality the king was bound no more than he wished to be bound. 'The king rules by his passions more than by his kingship, and is ready to advance them, if not as a moral or political, at least as a natural justification. It is the lord rather than the king, and the man rather than either, that is the real power of kingship, as it is thus used and accepted.'⁴⁴ Nowhere was this more true than in the case of Henry I, who personally created a large stratum of the lower aristocracy, the members of which were, in return, intensely loyal to him and rarely failed him.⁴⁵

⁴¹ Matthew Paris, in the next century, reflected the changed political scene. He favored elective monarchy precisely because of its weaknesses, and viewed a strong monarchy as a threat to ecclesiastical independence. See Richard Vaughan, *Matthew Paris* (Cambridge, 1958), pp. 139-40.

⁴² Her mother was a daughter of Malcolm, king of Scotland, son of Edgar Aetheling who reigned briefly after the death of Harold Harefoot.

⁴³ Poole, *Domesday Book*, pp. 5-6.

⁴⁴ Jolliffe, *Angevin Kingship*, p. 87.

⁴⁵ 'With the exceptions of ... Stephen and ... Robert of Gloucester, when his hands were forced by the political necessities of the time, [Henry] raised no men to great positions at one bound. Some of those who served him rose very high but they rose the hard way, and worked long and hard for what they got. Their greatest incentive was the certainty that lasting gain would follow toil. Hence he never had to cast down again a man he had raised up, and he never lost a friend. By the same token, he seldom forgave an enemy. He had a morbid dislike of ridicule, and he punished with a Byzantine ferocity already outmoded in the humaner society of feudal France, not only treachery and rebellion, but slights to his dignity and honour' (Southern, 'The Place of Henry I', 153).

William of Malmesbury, no friend of elective monarchy or a strong and independent aristocracy, was wholly indifferent to constitutional guarantees. He did write of one king that he 'aspired to power in defiance of his oath' (*GR* §1; *G*-6), but the king was the Briton Maximus and the time the distant past. William shared none of the 'constitutional attitude' which characterized the *St. Alban's Chronicle* of the next century (an *apologia pro baronibus* which 'exerted a great and continuous influence on the modern interpretation of ... medieval history'⁴⁶). Only by excessive taxation could a king exceed his powers. Hardicanute 'imposed a rigid and intolerable tribute upon England', as a result of which there were riots in Worcester and he lost the loyalty of his subjects (*GR* §188; *G*-207). Even worse than milking the populace was milking the Church. William Rufus declared 'an intolerable tax' by means of which he hoped to pay his brother the ten thousand marks the latter had asked in payment for Normandy. When 'the bishops and abbots, in great numbers, went to court to complain of the injury, observing that they could not raise so great an impost unless they drove away their wretched husbandmen altogether ... the courtiers ... replied, "Have you not shrines adorned with gold and silver, full of dead men's bones?"' deigning the petitioners no other answer. In consequence, perceiving the drift of the reply, they took off the gold from the shrines of their saints; robbed their crucifixes; melted their chalices; not for the service of the poor but of the king's exchequer' (*GR* §318; *G*-339). William was especially bitter about this because Godfrey of Jumièges, abbot of Malmesbury when William was a boy, had complied with the king's demand by stripping the monastery of its treasures, twelve book covers, eight crosses and eight shrines, sullyng an otherwise admirable abbacy (*GP*, p. 432). King Henry, on the other hand, 'restrained by edict the exactions of the courtiers' (*GR* §399; *G*-434), and consequently exercised a just rule. The severity of Rufus' reign was augmented by the cruelty or insensibility of his aides. His favorite, Ralph Flambard, William tells us in what may be a bit of embroidery of the facts, often doubled the proscribed taxation (*GR* §314; *G*-336).⁴⁷

William of Malmesbury's views on kingship, then, do not always easily harmonize one with another. He favored a strong, absolute

⁴⁶ V. H. Galbraith, *Roger Wendover and Matthew Paris* (Glasgow, 1944), p. 20.

⁴⁷ Henry replaced 'the ready-witted, outrageous, rumbustious Ranulf Flambard, bishop of Durham, by the somber, shrewd, financial expert, Roger, bishop of Salisbury, with his interest in good causes and his wife of whom no one spoke' (Southern, 'The Place of Henry I', 153).

monarch, superior to any challenging force whether from without the kingdom or within; he cared little about constitutional guarantees; and what he meant by justice seems to be the maintenance of order at any cost. He believed a king should be pious and humble, but too much piety endangered the welfare of the state. Moreover, the king's authority was wholly secular, and even the slightest intervention in ecclesiastical matters or violation of clerical independence was viewed as a violent encroachment upon forbidden territory.⁴⁸ The king should ideally possess many virtues, but were all but power and authority lacking, he might still be a good king. The commonplace of the *rex justus et pius*, with its implications of royal humility and mutual obligations between the king and his subjects,⁴⁹ bears only casually upon William's conception of monarchy, although he did on occasion echo its sentiments in a formulaic manner ('This, indeed, is spotless nobility; this exalted virtue; to excel in worth those whom you exceed in rank' [*GR* §9; *G*-12-13]). The king ultimately fulfilled his role when he was able, by means of his authority, to consolidate his realm and increase its wealth and power. The means by which he did this were of little significance.

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⁴⁸ An anecdote in the *Gesta regum* reveals how thin was the line between the civil and ecclesiastical spheres: 'When William the elder [of Normandy] formerly complained to Lanfranc that he was deserted by his brother: "Seize and cast him into chains," said he. "What!" replied the king, "he is a clergyman!"' The archbishop, with playful archness ... rejoined, "You will not seize the bishop of Bayeux, but confine the earl of Kent!"' (*GR* § 306; *G*-328).

⁴⁹ 'The long Judeo-Christian tradition of the compassionate and serviceable king' combined with 'the medieval "idea of Rome", mistress of world peace and arbiter of universal justice.' See Theodore Silverstein, 'Rex iustus et pius: Henry's Throne and Dante's Christian Prince' in *American Critical Essays on the Divine Comedy*, ed. Robert J. Clements (New York, 1967), p. 132. Professor Silverstein, who has written a monograph (unpublished) on the subject of the *topos*, has kindly given me permission to refer to the *topos*.

Burchard of Worms, in the eleventh century, gave this portrait of a king: 'He who exercises royal power properly should so excel all men in his conduct that the more he shines in the brilliance of his honor, so much the more should he keep a humble mind, proposing to himself as an example of humility David, who was not puffed up with his merits but, prostrating himself humbly, said: "I began vile and shall appear vile before God who chose me." He who exercises royal power properly should establish a model of justice by deeds rather than by words' (Silverstein, p. 130).

THE GUILD OF CORPUS CHRISTI AND THE PROCESSION OF CORPUS CHRISTI IN YORK

Alexandra F. Johnston

THE history of the Guild of Corpus Christi in York can be briefly sketched. It was founded in 1408 and flourished during the fifteenth and sixteenth centuries.¹ Until 1478 it had no permanent home but rented the hall of the Mercers (referred to as Holy Trinity Hall in many of the documents of the Guild) for its annual feast.² In 1478, it merged with the Hospital of St. Thomas without Micklegate Bar at which time the Guild of Corpus Christi took over the assets and properties of St. Thomas'. The Guild was abolished by the Act of Dissolution in 1547.³ Such a sketch, however, does not fully reflect the power and influence of the Guild. Over the one hundred and thirty-nine years of its existence, 16,850 people are listed in the Register as members of the Guild. Almost every citizen of York who could afford the 2d. annual torch fee⁴ belonged to it as well as many people from the surrounding countryside. It was a prestigious organization among whose members are listed the archbishop of York, the bishops of Carlyle, Durham, Exeter and Hereford, the abbots of St. Mary's York, Fountains, Rievaulx, Selby and Whitby, the priors of Bridlington, Kirkham, Newburgh, Nostell and Watton as well as such prominent secular figures as Richard, duke of Gloucester (later Richard III) and his wife, his mother Cecily, duchess of York, Francis, Viscount Lovel, Lord Clif-

¹ R. H. Skaife, ed., *The Register of the Guild of Corpus Christi in the City of York*, Surtees Society 57 (1872), p. vi.

² The records of the medieval guild of Mercers survive in the archives of the Worshipful Company of Merchant Adventurers in York. I am grateful to Mr. Bernard Johnson, their archivist, for allowing me access to the documents. The notation of rent received from the Corpus Christi Guild for the hall is a regular entry in the Mercers' accounts before 1478 (Merchant Adventurers of York Boxes D53 and D54).

³ Skaife, *Register*, p. xii.

⁴ British Library MS. Lansdowne 403, fol. 19; Skaife, *Register*, p. 8.

ford, Lord Latimer, Lord Scrope, Sir Richard Bingham, Sir Thomas Falthorpe and Sir Ralph Poole.⁵

The first detailed consideration of the York Corpus Christi Guild is in Robert Davies' work on the civic records of York during the latter part of the fifteenth century.⁶ Toulmin Smith in *English Gilds* gives it only brief comment.⁷ The lengthiest treatment is found in the Surtees Society edition of the Register of the Guild edited by R. H. Skaife.⁸ None of these works makes clear the place which the Guild had in the Corpus Christi celebrations at York. Davies simply does not attempt to define the relationship between the city and the Guild but both Smith and Skaife are actively misleading. Smith thought that the Corpus Christi Play was an integral part of the procession and controlled by the Corpus Christi Guild.⁹ Skaife gives the impression that the Guild was in control of all the Corpus Christi celebrations. He writes, 'The principal object of its founders appears to have been to promote the decorous observance of the religious festival of Corpus Christi, and to provide for the due performance of the ceremonies of the day.'¹⁰ These statements have led to considerable confusion concerning the relationship between the York Guild of Corpus Christi, the procession of Corpus Christi held in York and the York Corpus Christi Play. It is the purpose of this article to make clear the place which the Corpus Christi Guild had in the Corpus Christi celebrations and to clarify its relationship to the city council of York.¹¹

First of all, the Guild of Corpus Christi never at any time had anything to do with the Corpus Christi Play. That great dramatic production was in the hands of the city council and the craft guilds.¹² The

⁵ Skaife, *Register*, p. xii.

⁶ Robert Davies, *Extracts from Municipal Records of the City of York during the Reigns of Edward IV, Edward V and Richard III* (London, 1843).

⁷ Toulmin Smith, ed., *English Gilds*, EETS O. S. (London, 1870), pp. 141-146.

⁸ Skaife, *Register*.

⁹ Smith, *Gilds*, p. 143. On this point he was corrected by his daughter, Lucy Toulmin Smith, in her edition of the York Corpus Christi Play (L. T. Smith, ed., *York Plays* (Oxford, 1885), p. xxx n. 2.)

¹⁰ Skaife, *Register*, p. vi.

¹¹ This article is an incidental result of work done in York and in London on the original documents concerned with playmaking in York in the late Middle Ages. All the transcriptions quoted are my own. Earlier printed transcriptions are cited after the manuscript citation. I wish to thank Mrs. Rita Green, archivist of the City Library, York and Mr. C. B. L. Barr and Miss Katharine Longley of Yorkminster Library for their kind helpfulness.

¹² Smith, *York Plays*, pp. xi-xlii. See also Margaret Dorrell, 'Two Studies of the York Corpus Christi Play', *Leeds Studies in English* N. S. 6 (1972) 65-111.

Guild did possess a play of its own, the Creed Play, but this was not performed at the Corpus Christi festival until 1535.¹³ However, the Guild did have a distinct role in the procession of Corpus Christi. This was an evolving one moving from simple participation as a group of citizens to one of prominence as a Guild by the time of Dissolution.

The feast of Corpus Christi was proclaimed in York on 16 August 1325: 'Statuerunt etiam ad honorem dei quod festum corporis christi sub officio duplici in chora et mensa de cetero celebratur.'¹⁴ Nothing is recorded concerning the Corpus Christi celebrations for the next fifty years except a riot which occurred in the Minster on the vigil of Corpus Christi in 1345.¹⁵ The first civic record to mention the festival is the first civic record of the Corpus Christi Play noting rent paid for storing three pageant wagons ('Tres pagine Corporis Christi') in 1377.¹⁶ The first mention of the procession of Corpus Christi is found in a notation in the York Memorandum Book for 8 May 1388. William Selby, then mayor, used 100s. which had been left to the city by Thomas Bukton to buy four torches which were to be burned around the shrine of Corpus Christi in the procession on the day of the feast ('iiij^{or} torcheas circa corpus cristi in eodem festo ardentis in processione').¹⁷ This indicates that a procession existed and that the city council was in some way concerned with it. This entry is twenty years before the founding of the Guild of Corpus Christi. It is clear, then, that the procession predated the Guild.

The Guild was founded in 1408. Its official Register begins with a sermon on the Real Presence of Christ in the Eucharist and then moves on to what appear to be the original statutes of the Guild.¹⁸ The first statute specifies that on the Feast of Corpus Christi the chaplains in their surplices were to walk 'in processione modo honesto processionaliter antiquitatis ordine'. To assure that the chaplains were kept in order, the six masters (or failing all six at least two) were to carry white wands and set the pace 'ad laudem dei honestatem sacerdotii edificacionem ac bonum exemplum totius populi cristiani maxime autem ad honorem

¹³ Alexandra F. Johnston, 'The Plays of the Religious Guilds of York — the Creed Play and the Pater Noster Plays', *Speculum* 50 (1975) 55-90.

¹⁴ Yorkminster Library M2 (4) g, fol. 28v.

¹⁵ Yorkminster Library H 1/1, fols. 16v and 87v ff.

¹⁶ York City Archives, A/Y Memorandum Book, fol. 4v; (hereafter cited as A/Y); Maud Sellers, ed., *York Memorandum Book* 1, Surtees Society 120 (1911), p. 10.

¹⁷ A/Y, fol. 164; Sellers, ed., *York Memorandum Book* 2, Surtees Society 125 (1915), p. 32.

¹⁸ British Library MS. Lansdowne 403, fols. 17v-19v; Skaife, *Register*, pp. 6-9.

dei et civitatis Ebor''.¹⁹ Who the chaplains were is unclear from this entry but there is later evidence to show that they were all the clergy of York who were members of the Guild.²⁰ The seventh statute specifies that ten great torches ('luminaria magna') were to be carried by the Guild before the sacrament ('coram sacramento') in the Corpus Christi procession and that each member of the Guild was to contribute 2d. annually 'ad dictorum luminariorum sustentacionem'.²¹ From these statutes it appears as if the Guild had a prominent place in the Corpus Christi procession. Yet the first statute refers only to chaplains and speaks of the 'order of ancient times' ('antiquitatis ordine') which cannot be an order of the newly founded Guild. Furthermore, it specifically mentions that true decorum should be kept to honour the city of York as well as God.

There are two documents which are concerned with the procession of Corpus Christi from the year 1415. The first is the first surviving account roll of the Guild which contains an inventory of its possessions which included ten torches 'ob reverenciam Corporis Cristi'. That year the six masters collected 48s. 10d. in 'pecunia torches' or torch money from the members.²² The second document is the more important. This is the famous 'Ordo paginarum' entered in the civic Memorandum Book which lists the various pageants in the Corpus Christi Play and the crafts who were responsible for them. It also provides the proclamation of both the play and the procession and ends with a list of torches to be carried in the procession.²³ In the proclamation it is commanded 'of þe kynges be halue and þe mair and þe Shirefs of þis Citee' that no man carry weapons to the disturbance of 'þe kynges pees and þe play or hyn-deryng of þe processiou of Corpore Cristi'.²⁴ Here, then, is a civic order governing the procession. There is no mention of the Guild of Corpus Christi in the Torch list:

Portours viij torcheae
Coblers iiij torcheae

Chaloners iiij torcheae
Fullers iiij torcheae

¹⁹ British Library MS. Lansdowne 403, fol. 17v; Skaife, *Register*, p. 6.

²⁰ See below, p. 380.

²¹ British Library MS. Lansdowne 403, fol. 19; Skaife, *Register*, p. 8.

²² York City Archives C99: 1-2.

²³ York City Archives A/Y, fols. 243v ff. Smith, *York Plays*, p. xix-xxvii prints the pageant list. Sellers, *Memorandum Book* 2. 118 prints the torch lists from A/Y, fols. 254v-255. For a new transcription of the entire gathering see Martin Stevens and Margaret Dorrell, 'The Ordo Paginarum Gathering of the A/Y Memorandum Book', *Modern Philology* 72 (1974) 45-59.

²⁴ A/Y, fol. 245v; Smith, *York Plays*, p. xxxiv.

Cordwaners xiiij torcheae	Girdellers torcheae
Cottellers ij torcheae	Taillours torcheae
Wevere servauntz iiij torcheae	Et lvij cives ciuitatis habuerunt torcheas
Carpenters vj torcheae	similiter die corporis cristi

Ordinatum est quod Portours Coblers eant antea primo

Et tunc a dexteris Websterseruauntz et Cordwaners

Et ex opposito fullers cuttellers Girdellers Chaloners Carpenters
Taillours

Et tunc boni cives et postea xxiiij xij maior et iiij^{or} torcheae Magistri
Thome de Bukton.²⁵

This torch list is a civic one and the setting out of the order in which the torches are to be carried is a civic proclamation. Furthermore, in the place of honour at the end of the procession, perhaps surrounding the shrine with the four torches of Thomas Bukton, are the twenty-four members of the city council, the twelve Aldermen and the mayor. It is clear from this evidence, that whatever the Corpus Christi Guild may have ordained for itself in 1408, in 1415 the procession was a civic affair regulated by the council in which the Guild had no special place.

There is, however, a second torch list in the Memorandum Book which is undated but generally considered to be 1417-22.²⁶ In that list the ten torches of the Corpus Christi Guild are specifically mentioned and come immediately before the four torches of Thomas Bukton. It is probable that the Guild, gaining membership and influence during the first ten years of its existence, prevailed upon the city to give it a specific place in the procession. Here it seems to have a place second only to the city and the civic torches.

In 1419, the Skinners, Carpenters and Tanners defied the civic proclamation and carried weapons in the procession.²⁷ Whether this was done with malicious intention is unclear but a brawl ensued which disturbed the king's peace and impeded the play and the procession of Corpus Christi ('ludi et processionis corporis cristi').²⁸ The matter was brought to the city council who bound the members of the guilds concerned to a forfeiture of one hundred pounds sterling should they break the peace again. This evidence again indicates that both the play

²⁵ A/Y, fol. 245v; Sellers, *Memorandum Book* 2. 118.

²⁶ A/Y, fol. 255; Sellers, *Memorandum Book* 2. 118.

²⁷ A/Y, fol. 201; Sellers, *Memorandum Book* 2. 79.

²⁸ A/Y, fol. 201. Sellers, *Memorandum Book* 2. 79 prints 'ludi processionis Corporis Christi'.

and the procession were under the jurisdiction of the city of York. The Guild of Corpus Christi was only one group out of many which took part in the procession.

In 1426, Friar William Melton preached a sermon in York urging that the Corpus Christi Play and the procession should take place on two successive days.²⁹ His eloquence was so persuasive that a public meeting of citizens agreed that the play should be played on the vigil of the feast ('die mercurii vigilia ejusdem festi') and that the procession should take place 'semper modo solempni' on the day of the feast.³⁰ The division of the play and the procession, however, did not take place until 1468 at the earliest.³¹ The entry concerning Melton's sermon is long and detailed. From it we learn that the play and the procession took place at the same time and that both began at the gates of Holy Trinity, Micklegate. The procession of Corpus Christi proceeded to the Minster and from there to the Hospital of St. Leonard where the host was deposited. At this time the procession of priests and torch bearers preceded the sacrament while the mayor and other citizens followed it ('precedentibus numeroso lumine tocheorum et magna multitudine sacerdotum in superpeliciis indutorum et subsequentibus maiore et ciuibus Ebor' cum alterius magna copia populi confluentis').³² There has been considerable debate about the relationship between the play and the procession of Corpus Christi in York,³³ but the reconstruction of events which accounts for all the evidence argues that the sacrament was consecrated in the priory of Holy Trinity and carried through the streets as the first event of the Corpus Christi celebrations and was followed by the play performed from the pageant wagons of the craft guilds.³⁴ In 1426, although the presence of the priests seems a prominent feature of the procession, there is no mention of the Guild of Corpus Christi in this civic event which could be regulated as the city council thought best.

²⁹ A/Y, fol. 278-278v; Sellers, *Memorandum Book* 2. 156-158. For a complete transcription and translation of this document see Margaret Dorrell, 'Two Studies', 72-74.

³⁰ *ibid.*

³¹ Alexandra F. Johnston, 'The Procession and Play of Corpus Christi in York after 1426', *Leeds Studies in English* N. S. 7 (1973-74) 55-62.

³² A/Y, fol. 278; Sellers, *Memorandum Book* 2. 156.

³³ Margaret Dorrell, 'Two Studies'; Martin Stevens, 'The York Cycle from Procession to Play', *Leeds Studies in English* N. S. 6 (1972) 36-63; Alan H. Nelson, *The Medieval English Stage: Corpus Christi Pageants and Plays* (Chicago, 1974), pp. 65-69.

³⁴ Margaret Dorrell, 'Two Studies'.

On 17 January 1431-32, the Guild of Corpus Christi acquired a new status in the procession of Corpus Christi. That day the city entered into an agreement with the Guild that the Guild should henceforth be responsible for carrying the civic shrine of Corpus Christi in the procession.³⁵ This shrine was quite a simple affair of carved wood ('lignum sculptum') ornamented with gold and silver. The shrine was to continue to be housed in St. William's Chapel, the civic chapel on Ousebridge and the mayor was to retain the key to the box which contained the shrine when it was not in use. The agreement specifies that the Guild should be responsible for taking the shrine to the priory of Holy Trinity where the procession began and return it to St. William's Chapel when the procession was over. During the procession, the torches of the Guild were to precede immediately the sacrament contained 'in cristallo vel berillo' within the shrine.³⁶ This is the first evidence that the Guild of Corpus Christi itself had any special place in the procession of Corpus Christi. The expressed function of the Guild was to honour the Real Presence of Christ in the Eucharist, and it is entirely in keeping with its aims that it should be given the special responsibility of carrying the sacrament in the civic procession.

In 1449, Bishop Spofford of Hereford, a member of the Guild, left to the Guild a new silver shrine to house the sacrament.³⁷ The account roll for the Guild for 1449-51 provides a detailed account of the splendour of the shrine which was shaped like a church with a bell tower and the many jewels and ornaments which adorned it.³⁸ It seems from other entries in the roll, however, that the shrine continued to be housed in St. William's Chapel. This was only suitable since the Guild had no permanent home at this time. Although Spofford had left the shrine to the Guild, it seems that they allowed the civic chapel to house it when it was not in use at the time of the procession. The positions of the city and the Guild concerning the shrine were now reversed. Earlier the city had allowed the Guild to carry the civic shrine. Now the Guild was sharing the shrine with the city. Perhaps to confirm the new arrangement, the Guild spent £4 18s. 1/4d. that year on a feast for the mayor and the council held in the Mercers' Hall.³⁹

³⁵ York City Archives, B/Y *Memorandum Book*, fols. 116d-117v; Skaife, *Register*, pp. 251-252.

³⁶ *ibid.*

³⁷ Davies, *Extracts*, p. 248.

³⁸ York City Archives C99:3. This is the longest and most important of the series of account rolls for the Corpus Christi Guild. Skaife did not make use of them at all; Davies used only one or two. They remain unpublished.

³⁹ C99:3.

The roll of 1449-51 is the first one to provide the detailed payments for the aspects of the procession paid for by the Guild of Corpus Christi. In the two years of the record, the Guild paid 12d. to four deacons to carry the 'baudekyn' over the shrine, 2d. each year to a clerk for carrying a cross 'ante processionem in die corporis cristi', 8d. for marshalling the procession and summoning the 'presbiteros' to the procession, and 3s. 1d. each year for carrying the ten torches of the Guild. The final entry is a curious one: 'Item soluto pro portacione ciste noue cum feretro incluso et pro pro (*sic*) le bere et trestez ad domum Sancte Trinitatis deinde ad monasterium Sancti Petri et postea ad locum proprium viijd.⁴⁰ This refers in part to the carrying of the shrine from St. William's to the priory of Holy Trinity and in part to the carrying of the shrine on its 'bere' from Holy Trinity to the Minster and then to the place where it was deposited. It is not here specified as St. Leonard's Hospital and may have been one of the many churches near the Minster.

A clear picture of the trappings of the shrine and the equipment used for both the shrine and the torches in the procession comes from an inventory of the Guild taken in 1465 and entered in the Register of the Guild:

In primis vna capsula lignea supra summum altare in capella sancti willelmi supra pontem Use apprec' iij li
 Et vnum baiulatorium pictum deauratum pro dicto feretro in processione ferendo vj s viijd
 Et octo puluinaria albi coloris pro portantium feretrum humeris ordinata ijs ijd
 Et iiij^{or} ymages evangelistarum et xvj angeli cum scutis et rotulis nuper depicti similiter calicibus duobus de cupro deauratis cum ij cristyls pro dicto baiulatorio et feretro supportandis xxxviij s
 Et ij panni parvi de bukysyn depicti cum calicibus deauratis pro dicto baiulatorio cum una celatura lignea quadrata et cum quatuor lanceolis apprec' iij s
 Et pannus pictus cum ymagine summe trinitatis apprec' iij s
 Et quatuor pecie de valaunceȝ blodii coloris cum calicibus et stellis deauratis apprec' v s
 Et iiij sacculi linei pro iiij pelles (?) dicti baiulatorii honeste conservandis apprec' vj d

⁴⁰ C99:3.

Et vna cista brevis ligata cum ferro pro feretro tute custodiendo
apprec' viij s viij d

...

In primis quatuordecem torchie apprec' * * *

Et iij Judassez veterates apprec' xiiij d

Et xij castella picta cum calicibz aureis et laminis de ferro
eiusdem castellis pertinentibz apprec' iiij s

Et xxxiiij vexilla picta pro torcheis ordinatis apprec' xx s⁴¹

The Guild of Corpus Christi, by 1465, had not only achieved a prominent position in the procession of Corpus Christi but it had also acquired many brilliant and costly trappings to honour better the Host.

The city council paid for a sermon preached in the Chapter House of the Minster on the day after Corpus Christi for the first time in 1468.⁴² The regular payment of their expenses for watching the play is recorded for the day of the feast.⁴³ This is the first suggestion of what was to become common practice. By 1476, the procession of Corpus Christi was definitely taking place normally on the day after Corpus Christi. On 31 May 1476 the city council passed an ordinance requiring each member of the city council to have a torch borne before him 'in processione die veneris in Crastino festi corporis cristi'.⁴⁴ From this date on the procession seems to have regularly taken place on the day after the feast and the final event of the day was a sermon preached in the Chapter House and paid for by the city council.

New statutes were drawn up for the Guild of Corpus Christi in 1477. Those which pertain to the procession are of particular interest. The master of the Guild as 'presidens principalis' wearing a silk cope was to come last in the procession. The place of honour is now clearly given to the master of the Guild. With him were to walk two former masters chosen by the incumbent, one on his right and the other on his left. The two senior wardens of the Guild were to attend the shrine carrying white wands while the other four wardens, also carrying white wands, were to regulate the procession. All the wardens were to wear silk stoles. Furthermore, all the clergy of York who were members of the

⁴¹ British Library MS. Lansdowne 403, fols. 4v-5; Skaife, *Register*, pp. 293, 294.

⁴² York City Archives C3:4.

⁴³ C3:4.

⁴⁴ York City Archives, House Book 1, fol. 19v. For loose translation see Angelo Raine, ed., *York Civic Records* 1, Yorkshire Archaeological Society, Record Series 98 (1939), pp. 5-6.

Guild were to take part in the procession or be fined 6d. payable to the Guild.⁴⁵ The participation of the Guild of Corpus Christi in the Corpus Christi celebrations had evolved from simple participation in the civic procession in 1415 to a place of power and prominence within the procession. From this time on, the rolls of the Guild show regular payment for carrying the cross at the head of the procession and carrying the shrine, the baudkyn, and the torches.⁴⁶ Beginning in 1490 there is also a regular entry recording tips paid to clerks 'in vestiario monasterij' and later still to 'sacriste Ste Trinitatis'.⁴⁷ The prominence of the Guild is reflected in the last torch list recorded in the Memorandum Book of the city in 1501. That year John Stokdale as mayor decreed the order of the procession:

Torchys ordinaunce how they shall goo in ordyr	
In primis for the coblers	iiij ^{or} Torchis
Item for the porters	vij Torchis
Item for the ropers and heirsters	ij Torchis
Item for the glovers per se	iiij Torchis
Item for the buchers by tham self	iiij Torchis
Item for the bakers of the left hand	vj T
Item for the ffullour3 of the right hand	vj T
Item for the carpenters goyng by tham self	vj T
Item for the Smythis goyng of þe right hand	iiij T
Item for the couerletweuers going on þe left hand	iiij T
Item for the ffysshmongers fysshers and maryners goyng to gedir by tham self	xiiij T
Item for the wevers goyng of þe right hand	xvj T
Item for the Cordwaners goyng of þe left hand	T
Item for the Taillour3 goyng by themself	vij T
Item for the mercers	T
Item ilkon of þe xxiiij ^{ti} and of þe aldermen ilkon a torche	T
Item for Corpus Christi Gild	T ⁴⁸

⁴⁵ York City Archives G 11 A; Skaife, *Register*, pp. 263-264.

⁴⁶ York City Archives C99:5 (1477), C99:7 (1490), C99:8 (1496), C100:1 (1498), C100:2 (1499), C100:3 (1501), C100:4 (1502), C100:5 (1505), C100:6 (1506), C101:1 (1508), C101:2 (1511), C101:3 (1512), C101:4 (1516), C102:1 (1520), C101:2 (1533), C103:2 (1541).

⁴⁷ C99:7-C103:2.

⁴⁸ A/Y, fol. 380. This entry is undated but it can be dated from two entries in the House Books. The first is for 8 June 1501:

Here the Guild has replaced the city council in the place of prominence at the end of the procession.

It is clear from the 1477 statute that it was the Guild which had the right to fine the priests for not taking part in the procession. Yet it was the city who continued to regulate the participation of the craft guilds. This is clearly seen from the lengthy and unseemly dispute carried on by the cordwainers and the weavers over which guild should take precedence in the procession.⁴⁹ For over ten years, from 1482 to 1493, the city council struggled to settle the quarrel. Finally, after the cordwainers had appealed their case to the king, the abbot of St. Mary's Abbey was called in to arbitrate the matter. At that time, the city council stood stubbornly on its rights to regulate the affairs of its citizens lest it should lose any of its 'fraunchesiez and libertiez'. The abbot swore 'opynly by his own mowth' that he would rather cast 'a thousand pound of the tresory of his monastery' into the River Ouse than interfere with the freedom of the city.⁵⁰ The matter was eventually settled but it underlines the city's continued legal jurisdiction over the procession of Corpus Christi and the participation of the secular guilds. Its overall authority is further demonstrated by this colourful order passed by the city council as late as 1544 and the fine which it carried with it:

Item it is further agreyd by the sayd presens that for the honour of god and worship of this Citee the master of Corpuscristy gylde and the prestes beyng of the same gild with all other prestes that goyth procession vppon fryday the Morro after Corpuscristy day shall goo in the sayd procession in Coopes of the best that can be gottyn within the sayd Citee and that every howseholder that dwellith in the hye way ther as the sayd procession procedith shall hang before ther doores and forefrontes beddes and Coverynges of beddes of the best that thay can gytt and Strewe before ther doores resshes and other suche fflowes and Strewing as they

Memorandum pro le ordryng del occupacions in le procession

Item the same day by the said presence þe craftez and occupacionz within þe Citee wer ordered after a bill shewed emonges þe said presence howe þei singlry shal go in procession on morn next after corpus cristi day. (HB 8, fol. 112)

The second is in the list of accomplishments of John Stokdale, mayor in 1501:

Item euery crafft was put in a clothyng and ordered howe thei shall go in procession at corpuscristemass and at all oþer tyme3 of assemble3. (HB 8, fol. 124v)

⁴⁹ There are frequent entries in the House Books recording the various stages of this dispute. For a lively account see Davies, *Extracts*, pp. 250-257.

⁵⁰ HB 7, fol. 97v; Davies, *Extracts*, p. 256; A. Raine, ed., *York Civic Records* 2, Yorkshire Archaeological Society, Record Series 103 (1941), pp. 97-100.

thyinke honeste and clenly for the honour of god and worship of this Cite and this to be fyrmely kepte hereafter vppon payn of every man that dothe the contrary this agrement shall forfait and pay to the Common Chambre of this Cite iij s iiij d.⁵¹

The Guild of Corpus Christi ceased to exist as a legal entity with the Act of Dissolution in 1547. In that year the last procession was held in the old way. But it did not take place without dissenters. On 17 June the city council reacted swiftly to invoke its fines:

Also it is agred that whereas Mr. Dogeshon Mr. Dobson and Mr. White wantyd ther Torches in the procession the ffriday after corpuscristie day they shall pay every one of them iiis iiijd for ther defaltes in that behalf And also the occupacions of the Taillours oght to haue had xij Torches in the said procession and they wantyd iiij^{or} torches of the nombre for the whiche it was agreed they shall pay for a fyne therefore iij s iiij d.⁵²

After Dissolution, by a complex manoeuvre, the city itself took over the assets of the Guild (including the Hospital of St. Thomas which had been absorbed by the Guild in 1478.)⁵³ When Mary ascended the throne in 1554, the city council reinstated all the old customs including the Corpus Christi procession:

Item that procession on the morne afr Corpus cristi day shalbe lykewise made with torches and oper solempnyties accordyng to the old vsage at charge of the Chambre.⁵⁴

That year they also paid 4d. for a white wand for the mayor so that he could walk in the procession 'as Master of Corpuscristy'.⁵⁵ The spirit of the Guild and its concern to honour the Host had been transferred back to the city of York. The procession was held again in 1555, 1556 and 1557.⁵⁶ There are no records surviving for the procession in 1558.⁵⁷ But with the death of Mary came the death of the Corpus Christi

⁵¹ HB 17, fol. 51; A. Raine, ed., *York Civic Records* 4, Yorkshire Archaeological Society, Record Series 108 (1945), p. 109.

⁵² HB 18, fol. 97v; Davies, *Extracts*, p. 260.

⁵³ Johnston, 'The Plays of the Religious Guilds', 64; Skaife, *Register*, pp. xi-xiii.

⁵⁴ HB 21, fol. 43; A. Raine, ed., *York Civic Records* 5, Yorkshire Archaeological Society, Record Series 110 (1946), p. 105.

⁵⁵ York City Archives, Chamberlains' Books 4, fol. 142.

⁵⁶ The Mercers paid their normal 12d. to have their torches carried in these years (Merchant Adventurers of York Box D59). The Bakers also paid to have their torches carried (British Library Additional MS. 33852, fols. 21, 22).

⁵⁷ That year the Pater Noster Play was played on Corpus Christi Day (Johnston, 'The Plays of the Religious Guilds', 74-75).

procession. The city council of York struggled for another fourteen years to perform some kind of religious drama at the time of the feast,⁵⁸ but the procession belonged to the Catholic past. The attitude of the Council to the new regime can be clearly deduced from the following entry concerning the proclamation of the Corpus Christi Play in 1561:

And for soo moche as the late fest of Corpus cristi is not nowe celebrat and kept holy day as was accustomed it is therfor aggreed that on Corpus euen my lord mayour and aldermen shall in makying of proclamacion accustomed goe about in semely sadd apparell and not in skarlet.⁵⁹

* * *

The procession of Corpus Christi in York was begun before the Guild of Corpus Christi was established and continued after it had been abolished. For the first half of the life of the Guild, from 1408-1477 the Guild gradually assumed a place of honour and prominence within the procession. This place it held for the second half of its life from 1477-1547. Yet at no time did it control the procession. Its participation was limited to honouring the sacrament and regulating its member priests within the procession. From first to last it was the city council of York who ordered and controlled the procession as part of its lavish celebration of the Feast of Corpus Christi.

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⁵⁸ Johnston, 'The Plays of the Religious Guilds', 64-66, 74-76.

⁵⁹ HB 23, fol. 19v; A. Raine, ed., *York Civic Records* 6, Yorkshire Archaeological Society, Record Series 112 (1948), p. 17.

GEOGRAPHICAL MOBILITY IN LAY SUBSIDY ROLLS*

J. A. Raftis

I

FOR several decades historians have been gradually revealing such facets of economic development in twelfth- and thirteenth-century England as the multitude of new markets, the revolution in transportation with the use of the horse, the availability of vast new sources of power in the watermill and windmill, the rapidly increasing reservoir of labour and many further related advances in economic organization and technology. In a developing nation of the twentieth century such changes would have fomented a corresponding re-organization of social structures. Yet, with a few rare exceptions,¹ scholars have concentrated upon economic and technological issues in isolation from the social context and have been content to leave the reader with a paradoxical picture of tight little islands of manors and feudal complexes untouched by the above eddies of change.

Mobility, both geographical and social, is essential to the very possibility of social change. For example, the study of mobility has always been a fundamental key to the history of merchants² and active areas of new research are marked by the same necessity for the analysis of mobility.³ It can be confidently asserted that the study of social change has not and will not be undertaken until scholars disabuse

* The data employed in this article were collected with the assistance of a research grant from The Canada Council.

¹ Notable among these is the work of Lynn White, Jr.

² e.g. Sylvia L. Thrupp, *The Merchant Class of Medieval London* (Ann Arbor, Mich., 1962); and more recently 'Aliens in and around London in the Fifteenth Century' in *Studies in London History*, ed. A. Hollaender and W. Kellaway (London, 1969).

³ See, for example, Victor Morgan, 'Cambridge University and the Country' in *The University and Society*, 1: *Oxford and Cambridge from the 14th to the Early 19th Century*, ed. Lawrence Stone (Princeton, 1974).

themselves of the myth that the ordinary mediaeval person rarely, if ever during his lifetime, moved beyond sight of the spire of his parish church.⁴

This study concerns itself with that more elementary question of geographical mobility alone. The significance of place-names in the development of surnames has long been recognized by students of language.⁵ By building upon such language studies Eilert Ekwall has found that the *de* prefix surnames in the later thirteenth century indicated recent provenance and from this fact was able to discover the midland origins of many merchants of thirteenth-century London.⁶ The same method has proven applicable to the study of surnames in towns and villages of northeast Huntingdonshire.⁷ A detailed study of surnames in this region indicated that the *de* prefix was one of the several ways by which surnames had become more specific and fixed over the late thirteenth century. From this evidence migratory feeding areas of thirty to forty villis within a range of twenty-five miles were found represented for the market and fair town of St. Ives as well as the large consumer centre of Ramsey. Surprisingly, however, rural villis were not far behind in the geographical range indicated by the place-name surnames of their residents. Nevertheless, more surprising still were the place-name surnames for the towns and villages of this region from the whole of England. People had come to Ramsey from twenty-seven different counties, to St. Ives from twenty-three different counties, to a cluster of six upland villages from twenty-three different counties.

Scholars have indicated significant evidence for place-name surnames for many regions in England⁸ and further studies of detail must be undertaken in order to assess the scope of the phenomenon. At the same time, for most areas of England such detailed local studies may not be possible and the question must be raised whether more general indices

⁴ For a recent expression of this misconception, Philip Ziegler, *The Black Death* (Pelican Books, 1970), pp. 210-211.

⁵ Within this broad category one must recognize the contribution of genealogists, most aptly summarized by A. R. Wagner, *English Genealogy* (Oxford, 1960), of the Place-Name Society volumes, summarized by P. H. Reaney in *The Origin of British Surnames* (London, 1967) and the specialized studies of The Lund School of English.

⁶ *Studies on the Population of Medieval London* (Stockholm, 1956).

⁷ *Beyond Town and Vill: Studies of Peasant Mobility in a Region of Late Thirteenth and Early Fourteenth Century England*, by Edward Britton and J. A. Raftis, in manuscript.

⁸ See, for example, Paul Harvey on the regional names to be found in mediaeval Banbury (*VCH Oxfordshire* 10 (London, 1972), p. 61).

or indicators may not be employed for the purpose.⁹ From thirteenth-century England, the most general records are those of the central government and, if anywhere, these are the only possible sources for general indicators.¹⁰ In turn, among central records lay subsidy rolls provide the most detailed lists of names¹¹ and may be expected to provide the best source for the above-mentioned place-name surname indicators.

II

For the following illustration the Huntingdonshire Hundreds of Leightonstone with a subsidy roll for 1327 along with Normancross and Toseland with subsidy rolls for 1327 and 1332 have been chosen.¹² In nearly all instances place-name surnames on these subsidy rolls are still identified by the *de* prefix. However, in the above-mentioned study of Hurstingstone Hundred, as for the earlier studies of Eilert Ekwall,¹³ this *de* prefix was gradually dropped in the fourteenth century. Something of this can be seen by the fact that the *de* has been dropped for a few place-name surnames for these hundreds, especially by 1332. Although the *de* may have been dropped by the time of these lay subsidies, all obvious place names have been included in the following presentation. By obvious place names are meant those readily identifiable with assistance from the Place-Name Society volumes.

There are undoubtedly more than a score of place-names not identified by this method. In some instances scribal error very likely has made the identification impossible. In other cases, as with Crowethorpe in Northants and Blasworth and Littlebury in Toseland Hundred, the exact location of these lost villages cannot be determined. Toponymical surnames are usually identified by prefixes such as *atte*, but a few non-identifiable places with the *de* prefix could be simply toponymical. Finally, in the following mapping Hardwick, Langton and Stoke have not been included since these are very common places. For less com-

⁹ For the current use of indicators as tools for social research, see various projects sponsored by the Social Science Research Council, New York, as related in recent issues of *Items*.

¹⁰ Indeed, such general records from the time of Edward I would appear to explain the phenomenon of more fixed and identifiable surnames for the ordinary Englishman.

¹¹ For this reason, efforts to calculate the population of mediaeval England have turned upon lay subsidy rolls. See especially the work of J. C. Russell.

¹² These subsidy rolls are now available in the edition *Early Huntingdonshire Lay Subsidy Rolls* by J. A. Raftis and M. P. Hogan (Toronto, 1976).

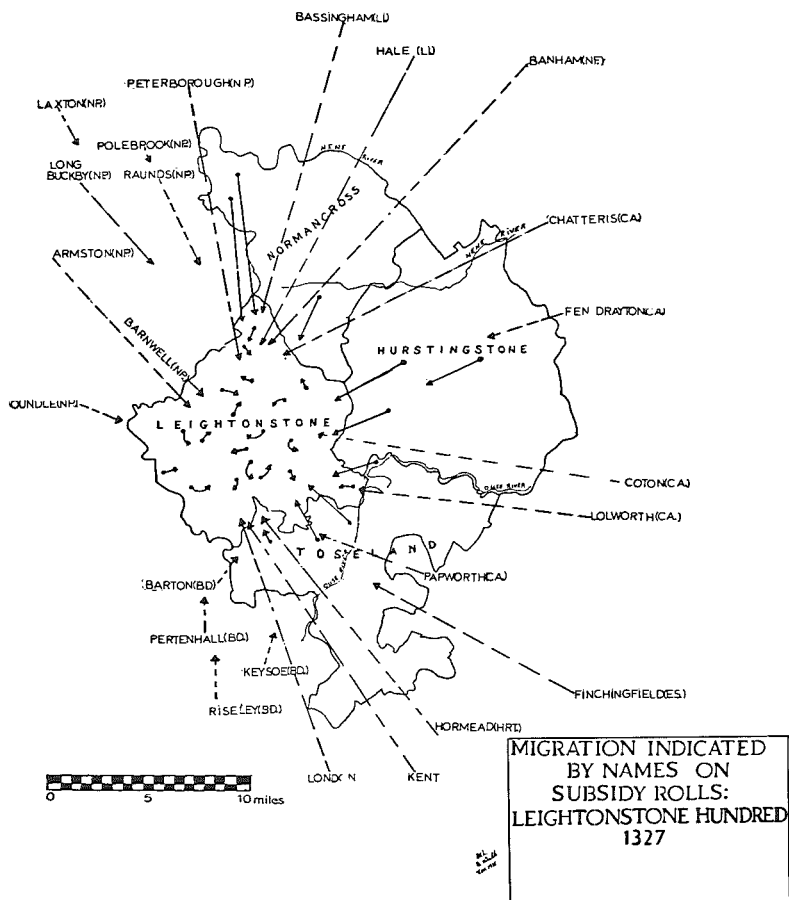
¹³ See above nn. 6, 7.

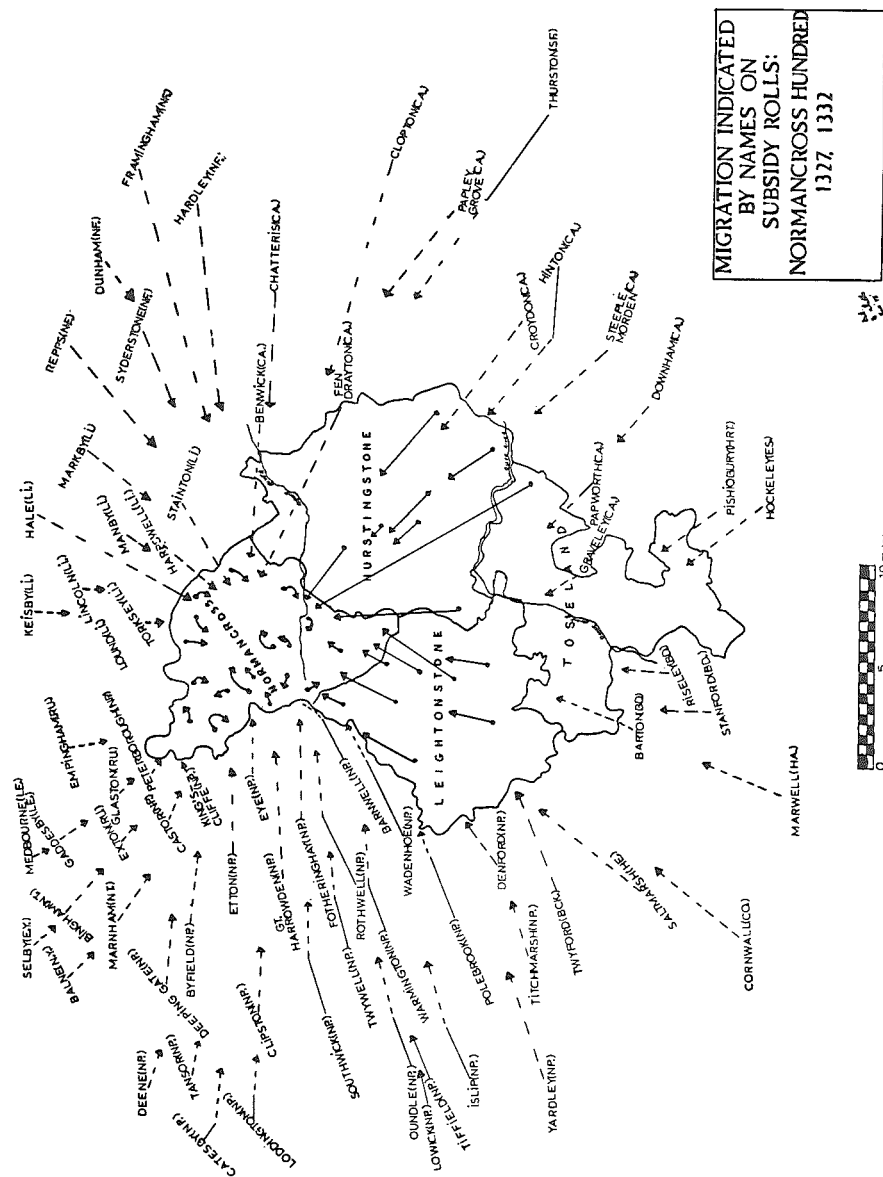
mon place-names, as with Barton occurring in the Leightonstone Hundred subsidy of 1327, the nearest by that name has been assumed to be the place of origin of the family.

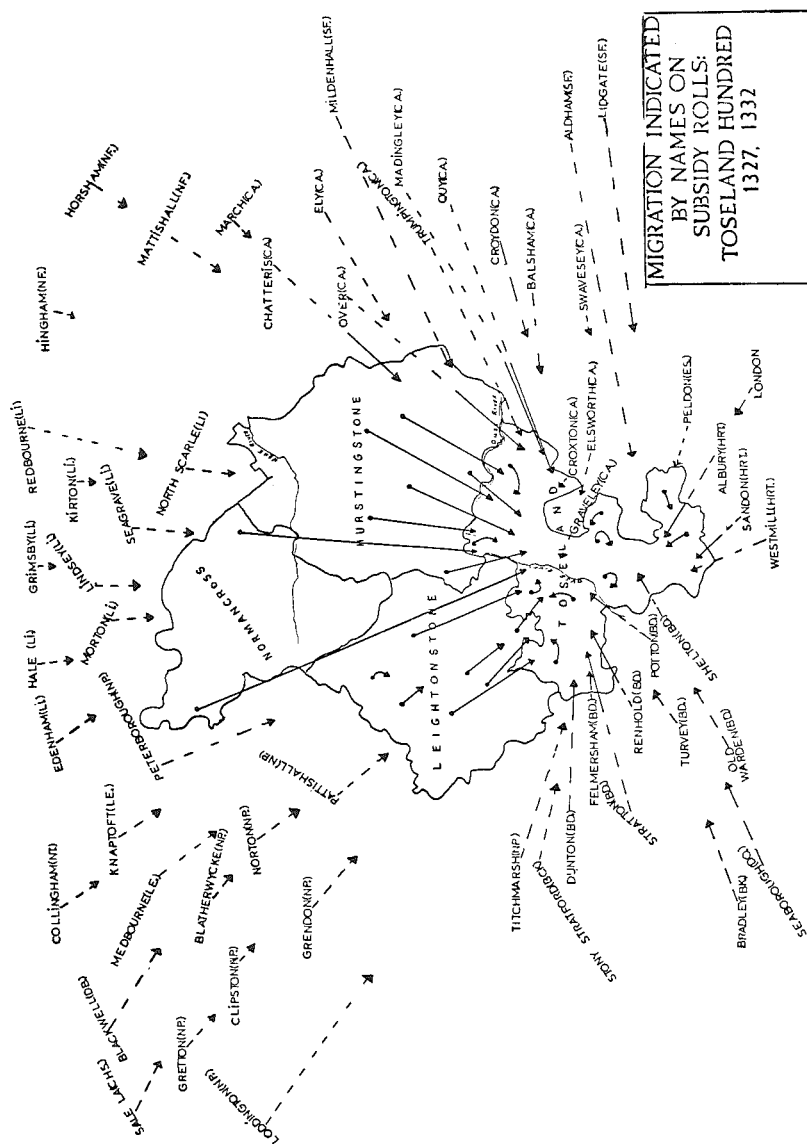
Since most places can be identified mapping is the clearest method of presentation of the range of migration indicated by these surnames. The following maps employ different symbols to indicate three broad categories of migration. Migration within the hundred is indicated by the short hooked arrow. Migration beyond the hundred, but within the county is indicated by solid arrows; Appendix I adds the place detail for these categories. Migration beyond the county is indicated by broken-line arrows. Appendix II gives the approximate mileage for migration from outside the county of Huntingdonshire. It may be noted that the Leightonstone Hundred map is much less detailed than maps for the other two hundreds, not only because the 1332 subsidy record is not extant for Leightonstone, but from the fact that the 1332 subsidy as a tenth, against the twentieth of 1327, captured more names from the villages and towns.

Abbreviations for county codes
as indicated on the maps

BD. — Bedfordshire	HA. — Hampshire
BK. — Berkshire	HE. — Herefordshire
BCK. — Buckinghamshire	HRT. — Hertfordshire
CA. — Cambridgeshire	LE. — Leicestershire
CHS. — Cheshire	LI. — Lincolnshire
CO. — Cornwall	NF. — Norfolk
DB. — Derbyshire	NP. — Northamptonshire (Northants)
DO. — Dorset	NT. — Nottinghamshire
ES. — Essex	N. Y. — North Yorkshire
E.Y. — East Yorkshire	RU. — Rutland
GL. — Gloucestershire	SF. — Suffolk







III

At a first glance the migration depicted by the above three maps seems to flow at a fairly even rate throughout the hundred, the home county and neighbouring counties to dissipate finally over a very wide sweep of much of England. Perhaps the value of these subsidy roll data is in indicating the existence and scope of this migration rather than measuring its intensity. In part, the difficulty of this measurement follows from the fact that lay subsidy rolls cannot be taken as a precise basis for population statistics.¹⁴ Certainly the above maps do not indicate that numbers of individuals with the same place-name surname in the subsidy rolls average more than two to a place of origin. For example, the surname Barnwell was to be found associated with the seven Christian names of Godfrey, John, John son of Robert, Nicholas, Simon, Walter and William. Five different individuals had the surname Graveley and at least four had the surname indicating London as their place of origin.¹⁵ Furthermore, upon the village level proper, it has been established that mobility is traceable upon many levels so that place-name surnames barely scratch the surface of the phenomenon.¹⁶ Indeed, from the perspective of a particular village itself, employment of the home village as a surname tends to be taken up by only one family, or one family and its branches become more prominent and well-established in the vill.¹⁷

If place-name surnames do not provide a precise quantitative tool for the measurement of migration over the more local place of hundred and home county, perhaps such surnames are more sensitive to the more long-run migrations. However, here too more individuals are indicated by these surnames than can be seen on the maps, as was noted in the above example of London. On the other hand, it has been found¹⁸ that persons clearly identifiable within a village as taxable property holders and involved in village affairs were in most cases resident for more than one generation before the 1327 subsidy

¹⁴ See, for example, *The Taxation of 1297*, ed. A. T. Gaydon (The Publications of the Bedfordshire Record Society 39; Streatley, 1959), p. xxxiii.

¹⁵ Further examples are easily available in the Appendix to the volume noted above, n. 12.

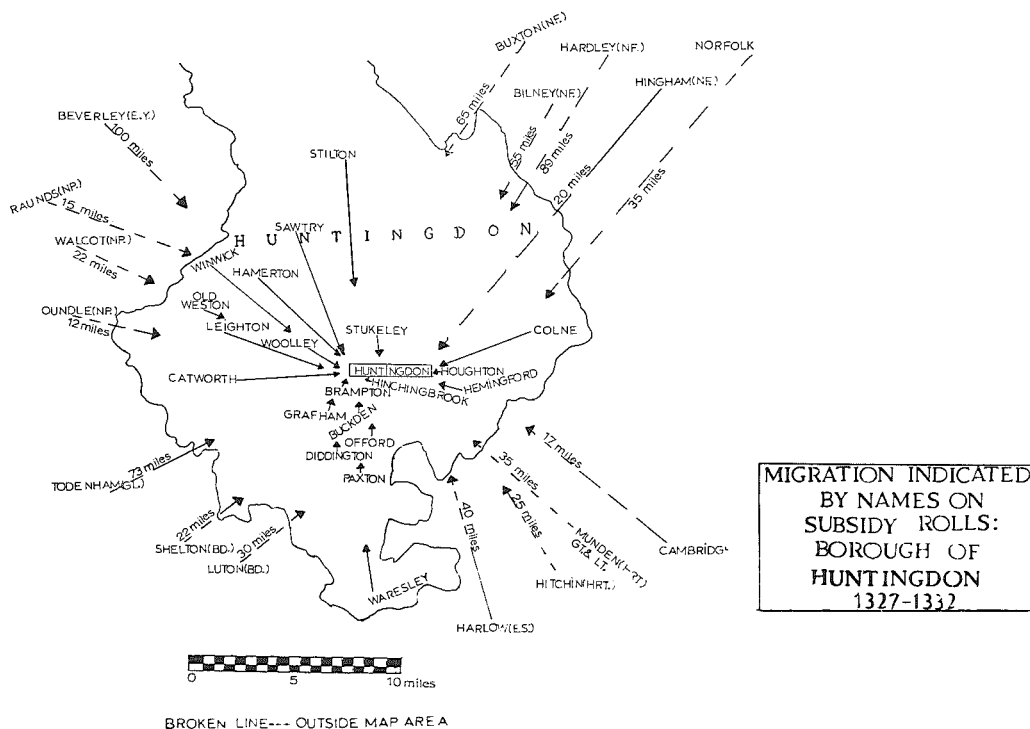
¹⁶ See J. A. Raftis, *Warboys: Two Hundred Years in the Life of an English Mediaeval Village* (Toronto, 1974), chap. 4.

¹⁷ See, for example, the Broughton family in the forthcoming volume *Broughton 1288-1340: A Mediaeval Village Community*, by Edward Britton.

¹⁸ See *Beyond Town and Vill*, chap. 1 (n. 7 above).

assessment. As a result the actual numbers with a specific place-name surname could easily be more than those first migrating with this surname.

The general nature of these place-name surnames data may be further indicated by comparison between town and countryside. As may be seen in the following map, the main borough of the county, that of Huntingdon itself, had been a somewhat greater focus for place-name surnames. However, neither in number nor geographical spread do these names differ greatly from the preceding maps.



Again, however, it must be stressed that these migration data indicating sixteen places of origin for Huntingdon people from without the county and nineteen from within the county are but minimal indicators of migration. This point may be illustrated from the sister borough of Godmanchester. Only thirteen place-name surnames are to be found in the 1327 and 1332 subsidy lists for Godmanchester. From the very detailed court rolls extant for Godmanchester the migratory picture can be filled in with remarkable results. To take just one

generation as an illustration, the court rolls between 1301-1325, some 252 individuals from outside the borough are found involved in Godmanchester affairs. This figure includes those of place-name surnames as well as others whose place of origin is noted although this place is not their surname.

Of these 252 individuals 174 had already acquired land in Godmanchester and therefore may be assumed to have had residence or at least more permanent attachment to the borough. The dynamics of this process can be seen in those who paid fines to enter the liberty of the town over this generation:

Thomas Abovethebroc from Huntingdon,
enters liberty 1326

Robert son of Roger Fanner,
enters liberty 1313

William de Grantesden,
enters liberty 1306

John de Houghton, pelliparius,
enters liberty 1324

Richard Honman,
receives liberty of the vill 1325

Adam de Isleham,
enters liberty both in 1322 and 1325

Robert de Kingston, cook,
enters liberty 1308

Thomas Maryot of St. Ives,
enters liberty 1310

Thomas de Merton,
receives liberty 1312

Robert Pagot,
receives liberty 1325

William de Ripton,
enters liberty 1314

John de Stirtlehowe,
receives liberty 1326

Alexander de Stonle, from Huntingdon,
enters liberty 1301

Adam de Strathshylle,
enters liberty 1310

Nicholas Styrchup,
enters liberty 1315

Richard le Taylor,
receives liberty 1325

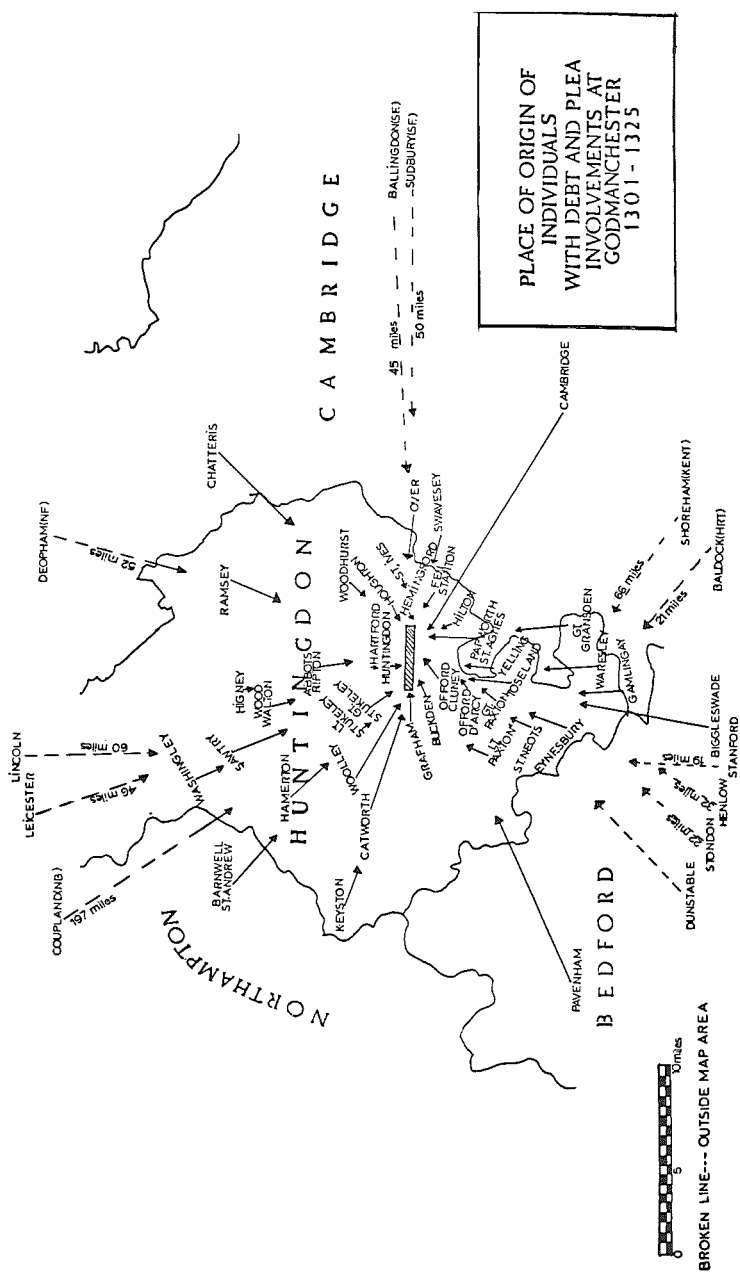
Richard de Todenham,
enters liberty 1320

John son of Albyn Underne,
enters liberty with wife Matilda 1308.

There remain more than seventy-five individuals with more occasional business in the town as indicated by debt, and plea suits in the court rolls. The following map shows the provenance of these individuals. There is clearly a concentration in Toseland Hundred to the south of Godmanchester. The same sort of concentration can be found in Hurstingstone Hundred for the market town of St. Ives.¹⁹ Very likely the open space in this map to the west of Godmanchester is to be explained by the fact that this was the market territory of Kimbolton and St. Neots.

Legal records, such as these court rolls, are not of course thorough representations of commercial activities. The actual nature and variety of some of the court entries can be as revealing as their number. For instance, a Mariota widow of William Begenore who lived in Huntingdon, had to give up her lands so that she could pay off her husband's debts as he had died and had not settled his accounts. There is a John son of John of Croxton, who lived in Huntingdon; his occupation was a tanner, and he bought land in 1311 in Godmanchester, which would suggest that he was doing very well in his trade at Huntingdon, and perhaps took his trade into Godmanchester also. Warin of Cumbertone, a *textor*, sublet land in 1302. Reyner *de* Doketon made a marriage agreement in 1310 with John Miller of Godmanchester to marry his daughter Juliana. William ad Furnam, chaplain, bought land for services to the church of the Blessed Virgin Mary of God-

¹⁹ See *Beyond Town and Vill*, chap. 1 (n. 7 above).



manchester. Emma, daughter of John de Graveley, in 1312 married Robert le Small of Godmanchester. Lawrence of Houghton, who was a *pelliparius*, bought a house in 1301 in Godmanchester. Ralph of Huntingdon may have been more entirely in the 'real estate' business since in the year 1306 he acquired a great amount and variety of land from the residents of Godmanchester. John of Hemingford, a miller in the latter village, bought trees and buildings in Godmanchester in 1308. A Lord Phillip of Hemington was given land in Godmanchester in the year of 1326. Lord Roger of Isleham, a chaplain, paid eighty-five marks for land in 1315-1316 at Godmanchester. John Miller in the year 1312 made an agreement with Reyner Garlop to hold land in Godmanchester for six years. John of Over in 1324 made a free marriage agreement with Agnes Mattishall. Ralph of Offord, a merchant, sold his land in Godmanchester in 1317. Edward and John Scot sublet one messuage for ten years. Richard son of Simon de Scariford bought one messuage and a half acre in 1302, and his mother Amicia was allowed to stay on the property for life. Walter of Warmington, canon of Lincolnshire, in 1316 released property. William of Wennington, a clerk, bought land in 1314 and 1316 at Godmanchester. In short, involvement of outsiders in Godmanchester ranged from professional merchants, through varied ecclesiastical arrangements, to modest family settlements.

IV

From the above evidence it would appear that considerable geographical mobility was not unique to Hurstingstone Hundred but is indicated for the remaining Huntingdonshire Hundreds of Leightonstone, Normancross and Toseland as well. Place-name surnames show migration to Leightonstone Hundred from twenty-nine places within the county and twenty-four beyond, for Normancross from thirty-three within the county and sixty-nine beyond, and for Toseland twenty-one within the county and sixty from beyond. In sum this amounts to migration from eighty-three places within the county and 153 beyond. When all duplications of movement to different hundreds from the same places are removed, migration still maintains the considerable figure of seventy-four places within the county and eighty-one from beyond.

Huntingdonshire did not hold a peculiar position in the East Midland economy of late thirteenth- and early fourteenth-century England. Thus, the extraordinary migratory activity of Huntingdonshire may

very likely be found elsewhere. A sampling from the lay subsidy rolls of the neighbouring counties of Bedfordshire and Buckinghamshire indeed shows this to be the case. A rough calculation of those place-name surnames indicated in a recent edition²⁰ as 'of' finds 307 individuals in Bedfordshire with names taken from 187 places. An equally rough calculation of place-name surnames indicated by the *de* prefix in a recent edition²¹ of lay subsidy rolls for Buckinghamshire finds 344 individuals with names taken from 253 places. These considerable data for migration should not lead to an over-dramatization of the phenomenon. As the above details for Godmanchester have suggested, migration was a normal facet of everyday domestic and economic life. For the social historian these data have a striking quality simply because one is dealing with the first generation or two of fixed surnames for ordinary individuals. Place-name surnames have not as yet evolved into familiar traditional surnames that no longer evoke the dynamic story of their origins. On the other hand, for the historiographer these data deserve some dramatization for they must serve to shatter that oldest myth of social history, that mediaeval life was geographically static.

APPENDIX I

Migration within the county of Huntingdonshire
(indicated in Maps by dot and arrow only)

To Leightonstone Hundred from:

<i>Village</i>	<i>Hundred</i>
Barham	Leightonstone
Brampton	Leightonstone
Buckden	Toseland
Buckworth	Leightonstone
Catworth	Leightonstone
Conington	Normancross
Covington	Leightonstone
Diddington	Toseland
Easton	Leightonstone
Ellington	Leightonstone
Elton	Normancross
Gidding Gt. & Lt.	Leightonstone
Hamerton	Leightonstone
Huntingdon	Toseland

²⁰ See above n. 14.

²¹ A. C. Chibnall, ed., *Early Taxation Returns*, Buckinghamshire Record Society 14 (Welwyn Garden City, Hertfordshire, 1966).

Leighton Bromswold	Leightonstone
Molesworth	Leightonstone
Perry West	Toseland
Raveley Gt. & Lt.	Hurstingstone
Spaldwick	Leightonstone
Stow Long	Leightonstone
Stukeley Gt. & Lt.	Hurstingstone
Thorpe (Ellington)	Leightonstone
Tilbrook	Leightonstone
Upthorpe (Spaldwick)	Leightonstone
Upton	Leightonstone
Warboys	Hurstingstone
Water Newton	Normancross
Weston Old	Leightonstone
Winwick cum Thryngg	Leightonstone

To Normancross Hundred from:

<i>Village</i>	<i>Hundred</i>
Alwalton	Normancross
Brinton	Leightonstone
Broughton	Hurstingstone
Buckworth	Leightonstone
Caldecote	Normancross
Colne	Hurstingstone
Coppingford	Leightonstone
Denton	Normancross
Ellington	Leightonstone
Elton	Normancross
Farcet	Normancross
Fletton	Normancross
Folksworth	Normancross
Gidding Gt. & Lt.	Leightonstone
Glatton	Normancross
Haddon	Normancross
Hamerton	Leightonstone
Holme	Normancross
Holywell	Hurstingstone
Hurst Old	Hurstingstone
Orton Waterville	Normancross
Morborne	Normancross
Sawtry	Normancross
Stanground	Normancross
Stanton Fen	Toseland
Silton	Normancross
Stukeley Gt. & Lt.	Hurstingstone
Upwood	Hurstingstone
Washingley	Normancross
Water Newton	Normancross
Wistow	Hurstingstone
Woodstone	Normancross
Woolley	Leightonstone

To Toseland Hundred from:

<i>Village</i>	<i>Hundred</i>
Boughton	Toseland
Broughton	Hurstingstone
Buckden	Toseland
Buckworth	Leightonstone
Catworth	Leightonstone
Fenton	Hurstingstone
Grafham	Leightonstone
Gransden Gt.	Toseland
Hamerton	Leightonstone
Hemingford Grey	Hurstingstone
Houghton	Hurstingstone
Huntingdon	Toseland
Raveley Gt. & Lt.	Hurstingstone
Southoe	Leightonstone
Spaldwick	Leightonstone
Staughton	Toseland
Stow Long	Leightonstone
Stukeley Gt. & Lt.	Hurstingstone
Toseland	Toseland
Warboys	Hurstingstone
Waresley	Toseland
Weston Old	Leightonstone
Yelling	Toseland

APPENDIX II

Migration from beyond the county
of Huntingdonshire*To Leightonstone Hundred from:*

<i>Village</i>	<i>County</i>	<i>Mileage</i>
Armston	Northants	11
Banham	Norfolk	58
Barnwell	Northants	14
Barton	Bedfordshire	30
Bassingham	Lincolnshire	55
Chatteris	Cambridgeshire	20
Coton	Cambridgeshire	20
Fen Drayton	Cambridgeshire	10
Finchingfield	Essex	38
Hale Gt.	Lincolnshire	38
Hormead	Hertfordshire	29
Kent	Kent	75
Keysoe	Bedfordshire	12
Laxton	Northants	17
Lolworth	Cambridgeshire	16
London	London	60
Long Buckby	Northants	27
Oundle	Northants	11

Papworth	Cambridgeshire	13
Pertenhall	Bedfordshire	5
Peterborough	Northants	17
Polebrook	Northants	8
Raunds	Northants	5
Riseley	Bedfordshire	9

To Normancross Hundred from:

<i>Village</i>	<i>County</i>	<i>Mileage</i>
Balne	North Yorkshire	90
Barnwell	Northants	7
Barton	Bedfordshire	37
Benwick	Cambridgeshire	10
Bingham	Nottinghamshire	40
Castor	Northants	5
Catesby	Northants	50
Chatteris	Cambridgeshire	12
Clipston	Northants	26
Clopton	Cambridgeshire	20
Cornwall	Cornwall	242
Croydon	Cambridgeshire	30
Deene	Northants	14
Deeping Gate	Northants	24
Denford	Northants	15
Downham	Cambridgeshire	25
Dunham	Norfolk	45
Empingham	Rutland	16
Etton	Northants	10
Exton	Rutland	18
Eye	Northants	9
Fen Drayton	Cambridgeshire	17
Fotheringhay	Northants	6
Framingham	Norfolk	65
Gaddesby	Leicestershire	35
Glaston	Rutland	17
Hale Gt.	Lincolnshire	36
Harpwell	Lincolnshire	60
Hardeley	Norfolk	70
Harrowden Gt.	Northants	21
Hinton	Cambridgeshire	30
Hockley	Essex	90
Islip	Northants	12
Keisby	Lincolnshire	25
King's Cliffe	Northants	10
Lincoln	Lincolnshire	52
Loddington	Northants	16
Lound	Lincolnshire	22
Lowick	Northants	14
Markby	Lincolnshire	70
Marwell	Hampshire	110
Manby	Lincolnshire	70

Marnham	Nottinghamshire	55
Medbourne	Leicestershire	25
Oundle	Northants	8
Papley Grove	Cambridgeshire	20
Peterborough	Northants	7
Pishiobury	Hertfordshire	50
Polebrook	Northants	6
Repps	Norfolk	70
Riseley	Bedfordshire	25
Rothwell	Northants	22
Salmarsh	Hertfordshire	92
Selby	East Yorkshire	88
Stainton	Lincolnshire	49
Stanford	Bedfordshire	28
Steeple Morden & Guilden Morden	Cambridgeshire	32
Southwick	Northants	10
Syderstone	Norfolk	38
Tansor	Northants	5
Thurston	Suffolk	47
Tiffeld	Northants	45
Titchmarsh	Northants	12
Torksey	Lincolnshire	58
Twyford	Buckinghamshire	55
Twywell	Northants	15
Wadenhoe	Northants	11
Warmington	Northants	5
Yardley	Northants	55

To Toseland Hundred from:

<i>Village</i>	<i>County</i>	<i>Mileage</i>
Albury	Hertfordshire	27
Aldham	Suffolk	52
Balsham	Cambridgeshire	25
Blackwell	Derbyshire	65
Blatherwycke	Northants	20
Bradley	Berkshire	80
Chatteris	Cambridgeshire	17
Clipston	Northants	33
Collingham	Nottinghamshire	67
Croydon	Cambridgeshire	15
Croxton	Cambridgeshire	3
Dunton	Bedfordshire	7
Edenham	Lincolnshire	34
Elsworth	Cambridgeshire	6
Ely	Cambridgeshire	20
Felmersham	Bedfordshire	12
Graveley	Cambridgeshire	4
Grendon	Northants	23
Gretton	Northants	22
Grimsby	Lincolnshire	99
Hale Gt.	Lincolnshire	40

Hingham	Norfolk	60
Horsham St. Faith	Norfolk	72
Kirton	Lincolnshire	42
Knaptoft	Leicestershire	49
Lidgate	Suffolk	28
Lindsey	Lincolnshire	70
Loddington	Northants	22
London	London	59
Madingley	Cambridgeshire	12
March	Cambridgeshire	22
Mattishale	Norfolk	57
Medbourne	Lincolnshire	28
Mildenhall	Suffolk	32
Morton	Lincolnshire	34
North Scarle	Lincolnshire	67
Norton	Northants	35
Over	Cambridgeshire	9
Pattishall	Northants	33
Peldon	Essex	47
Peterborough	Northants	19
Potton	Bedfordshire	5
Quy (Stow cum Quy)	Cambridgeshire	20
Redbourne	Lincolnshire	80
Renhold	Bedfordshire	12
Sale La	Cheshire	129
Sandon	Hertfordshire	12
Seaborough	Dorset	166
Seagrave	Lincolnshire	47
Shelton	Bedfordshire	17
Stratford Stony	Buckinghamshire	30
Stratton	Bedfordshire	8
Swavesey	Cambridgeshire	4
Titchmarsh	Northants	14
Trumpington	Cambridgeshire	15
Turvey	Bedfordshire	21
Warden Old	Bedfordshire	6
Westmill	Hertfordshire	18

Pontifical Institute of Mediaeval Studies.

EDITING JULIAN OF NORWICH'S *REVELATIONS*: A PROGRESS REPORT¹

Edmund Colledge, O.S.A. and James Walsh, S.J.

JULIAN received her revelations in May 1373, when, she tells us, she was thirty and a half years old.² How soon after this she recorded her first account of them we do not know. For a woman of her epoch, presumably not accustomed to independent literary activity, to produce so well-composed and highly-finished a text must have taken some time. She may have thought that this would be the end of the matter; but it was not. In the longer version she recounts how fifteen years of meditation followed;³ and it is plain that finally she received further insights into the meaning of her visions — notably the long allegory of the lord and the servant — which hitherto she had not understood and had therefore suppressed in the first, short text. At last, twenty years after she had been given them, a second, long text was produced; and we have internal evidence to show that the long text is itself a revision of what, we may conjecture, was its first draft, composed between 1373 and 1388, now in the end completed in 1393.

For the short text we have only one witness, the 'Amherst MS.', now British Library Additional 37790.⁴ This was copied in the second half of the fifteenth century, and about 1500 must have been in the hands of James Grenehalgh, whose celebrated monogram it bears.⁵ He was a

¹ Versions of this were read, by James Walsh to the Pontifical Institute of Mediaeval Studies in Toronto, March 1975, by Edmund Colledge to a seminar, 'The Spirituality of Western Christendom', at Western Michigan University, July 1975.

² Anna Maria Reynolds, *A Shewing of God's Love* (London, 1958), p. 4. Sister Anna Maria's modernized version will be used for quotations from the short version, unless the Amherst MS. (A) is specified.

³ James Walsh, *The Revelations of Divine Love of Julian of Norwich* (London, 1961), p. 209. This will be used to quote from the long text, unless some manuscript is specified.

⁴ *Catalogue of Additions to the Manuscripts in the British Museum in the Years MDCCCVI-MDCCCX* (London, 1912), pp. 153-156.

⁵ A complete study of Grenehalgh's activities as editor and scribe is being undertaken by Michael Sargent of the Centre for Medieval Studies in the University of Toronto.

Carthusian monk, active in the scriptorium of Sheen Charterhouse on the bank of the Thames above London. We are better furnished with copies of the long text. There are complete copies in MSS. Bibliothèque Nationale Fonds anglais 40, British Library Sloane 2499 and 3705, and there is also the printed text produced by Serenus Cressy in 1670, account of which must be taken in evaluating conflicting readings. Then, since the last war, three other witnesses have come to light: two series of extracts, one in a manuscript in the Westminster Cathedral archives,⁶ another in a St. Joseph's College, Upholland, Lancashire manuscript,⁷ and one brief quotation in a manuscript owned by Colwich Abbey, Staffordshire. The Westminster Cathedral manuscript is of the early sixteenth century; all the other long-text witnesses, including Cressy's work, emanate from the circle of Augustine Baker and his disciples, the exiled English Benedictines of the seventeenth century at Douai, Dieulouard, Cambrai and Paris.⁸ All previous scholars who have worked on the long text have been deceived, as were the Bibliothèque Nationale's cataloguers, by the faked antique appearance of Fonds anglais 40 into calling it 'sixteenth century'; we shall describe it as 'a sedulous but unskilled and unconvincing imitation ... of a hand of c. 1500 ... certainly of the seventeenth century, probably c. 1650'.

One of the present editors has finally been compelled to abandon a much-cherished notion, that the bookplate of William Constable of Burton Constable, in East Yorkshire, in the Amherst MS. could be accounted for by the profession of several Constable daughters, the most notable Barbara, a pupil of Baker's, at Cambrai and Paris — that it was one of them who sent this volume back from her convent to the family home. It is true that there is some slight evidence for the availability of a short-text manuscript in the nuns' library at Cambrai or Paris; but this cannot have been the Amherst. Francis Blomefield, the Norfolk antiquary, describing Julian's career in the second volume of his *Norfolk*, published in 1745, quotes the opening paragraph of a manuscript he had seen in the collection of his fellow-antiquary, Francis Peck, rector of Godeby by Melton in Leicestershire;⁹ and the exact description of the

⁶ First described by Betty Foucard, 'A Cathedral Manuscript', *Westminster Cathedral Chronicle* 50 (1956) 41-43, 59-60, 74-75, 89-90, 108-110. See also N. R. Ker, *Mediaeval Manuscripts in British Libraries* 1 (Oxford, 1969), pp. 418-419.

⁷ Cf. Hywel Wyn Owen, 'Another Augustine Baker Manuscript', in *Dr. L. Reypens-Album*, ed. Albertus Ampe (Antwerp, 1964), pp. 269-280.

⁸ Cf. Placid Spearritt, 'The Survival of Mediaeval Spirituality among the Exiled English Black Monks', *The American Benedictine Review* 25 (1974) 287-316.

⁹ *The History of the City and County of Norwich* (Norwich, 1745), vol. 2 of *An Essay towards a*

foliation and the idiosyncratic spellings of the quoted extract (Blomefield was evidently a very accurate copyist) leave no room for doubt that Peck's volume is identical with the Amherst MS. Probably it was acquired by the Constables, several of whom were ardent bibliophiles, at the auction of Peck's library in 1758.¹⁰

In preparing this first critical edition of the *Revelations*, our initial task was to collate all the manuscripts of the long version, our second to make a concordance of that with the short version, and our third to produce texts of both versions, evaluated in the light of all the evidence. The results of these labours have been rewarding, and may be briefly summarized.

Hitherto it has been assumed that the two versions could be treated separately, except that they are the work of one author, revising and adding to her original to produce a new version. We owe the first suggestion that this might not be so, that the original version might have been accommodated, by editors other than Julian, to what they found in the second version, to Frances Beer, herself at work on the short text; and the evidence has confirmed what she suspected. One crux alone will be sufficient to demonstrate this. In chapter 4 of the long text we read, in the manuscripts:

... marvayling with grete reuerence that he wolde be borne of her that was a symple creature of his makynge. For this was her marvayling, that he that was her maker would be borne of her that was made. And this wysdome and truth ...¹¹

It is quite evident that here we have a case of dittography, a scribe's careless repetition of words which he had already copied. And in the corresponding section of the short text we find:

... mervelande with grete reuerence that he wolde be borne of hir that was a sympille creature of his makynge. For this was hir mervelynge, that he that was hir makere walde be borne of hir that was a sympille creature of his makynge. And this wysdome of trowthe ...¹²

which, by its verbatim repetition of 'that was a sympille creature of his makynge', shows more clearly than the later version the cause of the dit-

Topographical History of the County of Norfolk, continued by Charles Parkin, 5 vols. (Fersfield, Norwich and Lynn, 1739-1775), p. 546.

¹⁰ John Nichols, *Literary Anecdotes of the Eighteenth Century*, 9 vols. (London, 1812-1815), 3. 655.

¹¹ MS. P (Bibliothèque Nationale Fonds anglais 40), fol. 8v.

¹² MS. A (British Library Additional 37790), fol. 99v.

tography. One can see that Julian must have written (as we have restored it in the critical text):

mervelande with grete reuerence that he wolde be borne of hir that was
a sympille creature of his makynge. And this wysdome ...

Though it is not inconceivable that two scribes working independently could make the same mistake, it is far more probable that some careful scribe-editor, collating manuscripts of the short and long texts and observing a discrepancy, concluded wrongly that the text already containing the dittography was superior, and added to the other the words he thought wanting in it. From the date of Amherst, it follows that such textual criticism must have been undertaken in the fifteenth century; and what we know of the scholarly activities of Carthusians, together with the presence of Grenehalgh's monogram in Amherst, suggests that those responsible for such collation and emendation may have been working in an English Charterhouse.

The paucity of manuscript evidence — Amherst the unique copy of the short text, Westminster the only pre-Dissolution witness for the long, and all the others produced in the seventeenth century by the English Benedictines — when compared with the greater numbers of copies of other fourteenth-century English spiritual classics, *The Cloud of Unknowing*, *The Scale of Perfection*, the Rolle canon, suggests that at any time before the turn of this century Julian's book enjoyed only limited popularity and circulation; the long text would hardly have survived the holocausts which followed the Dissolution, had it not been for the piety and scholarship of Augustine Baker and his school. Whether he obtained his copy or copies of Julian from the exiled English Carthusians of Sheen Anglorum, as he did his text of the *Cloud*,¹³ from his Capuchin fellow-countryman Benet Canfield,¹⁴ or from his patron in England, Robert Cotton,¹⁵ we do not know.

Once the work on the establishment of the two texts had been completed, some four years ago, the editors were then free to turn their attention to comparing Julian's own words, often, it is true, sadly distorted by carelessness and ignorance, with those of contemporary or earlier

¹³ Cf. Philip Justin McCann, ed., *The Life of Father Augustine Baker, O.S.B.* (London, 1933), pp. 168, 205.

¹⁴ Cf. P. J. McCann, *The Cloud of Unknowing ... with a Commentary ... by Father Augustine Baker, O.S.B.* (London, 1924), pp. 290-291.

¹⁵ Cf. P. J. McCann and Richard Hugh Connolly, *Memorials of Father Augustine Baker and Other Documents Relating to the English Benedictines* (Catholic Record Society 33, 1933), p. x.

English spiritual writers. This search for possible sources for her ideas and language has yielded some remarkable results, of which we can now give specific illustrations.

When she received her vision of the 'little thing, the quantity of a hazel nut, lying in the palm of my hand', and could not understand its significance:

I was annswerde generally thus: It is alle that ys made. I mervylede howe pat it myght laste, for me thought it myght falle sodaynlye to nought for litille. And I was annswerde in myne vnderstandynge: It lastes and euer schalle, for god loves it; and so hath alle thyng the beyng thorowe the love of god.¹⁶

Compare this with the Book of Wisdom, 11: 23-26:

For the whole earth before thee is as the least grain of the balance, and as a drop of the morning dew that falls down upon the earth. But thou hast mercy upon all, because thou canst do all things, and overlookest the sins of men for the sake of repentance. For thou lovest all things that are, and hatest none of the things which thou hast made, for thou didst not appoint or make any thing hating it. And how could any thing endure if thou wouldst not, or be preserved if not called by thee?

In another celebrated passage, Julian writes:

One tyme my vnderstandyng was lett downe in to the sea grounde, and ther I saw hilles and dales grene, semyng as it were mosse begrowyng with wrake and gravell. Then I vnderstode thus: that if a man or woman wer there vnter the brode water, and he myght haue syght of god, so as god is with a man contynually, he shoulde be safe in sowle and body, and take no harme.¹⁷

She has often been justly commended for the imaginative quality of this, the strangely stirring evocation of so complete a dereliction as submersion in the ocean's depths would be; but those who have praised her for the originality of her imagery have failed to observe what she makes plain, the sources of her inspiration, the text of Holy Scripture. The image of the 'drowned soul' she found in Ecclesiasticus:

I dwelt in the highest places, and my throne is in a pillar of a cloud. I alone have compassed the circuit of heaven, and have penetrated into the bottom of the deep.¹⁸

¹⁶ MS. A, fol. 99.

¹⁷ MS. P, fol. 20.

¹⁸ Ecclesiasticus 24:7-8.

And her statement that the soul would not there be drowned but sustained by God is the Psalmist's:

If ... I dwell in the uttermost parts of the sea, even there also shall thy hand lead me, and thy right hand shall hold me.¹⁹

These are two only of many striking instances we have found of Julian's minute and exact knowledge of Scripture; the Psalms, the sapiential books, the Gospels, John and Paul were deeply familiar to her. Obviously, we must ask how she obtained this knowledge; and although the only honest answer must be that we do not know, the various possibilities must be examined. In the course of such examination, the editors presented Henry Hargreaves of the University of St. Andrews, who has now made himself our leading expert in mediaeval English Biblical translations, with the evidence from the texts of Julian's familiarity with Scripture, and asked him to give an opinion on which vernacular version she might have known. (The possibility that she used one of the two Wycliffite versions was not excluded; she had completed her long text fifteen years before their prohibition at Oxford; and we know that thereafter Catholics of unimpeachable orthodoxy continued to read them.²⁰) But when, after generously careful scrutiny, Hargreaves sent his opinion, it was this:

I found it an interesting exercise, though I've come to a firmly negative conclusion. What I did was what I promised to do — to look systematically at Julian's scriptural allusions, comparing them with the same (and, if I could find any, with further) passages in the Middle English translations available in print. And it is almost uncanny how she never, in any passage, uses exactly the same words for the crucial Latin words as the translations, unless these are the obvious ones ... but over and over again she has a synonym ... It might sound polite if I said I hoped that this would not upset your theories too much; but I'm sure you will accept it as politer if I say I don't care whether it upsets your theories or not — it's where the evidence points.

This seems to exclude the possibility that Julian had a copy of any version known to us of an English Bible in her cell; what other books she may have had we shall presently consider. Other possibilities remain. Firstly, she may have used a version which, apart from her use of it, is

¹⁹ Psalm 138:9-10.

²⁰ MS. Bodley 277 was presented to the London Charterhouse by Henry VI; Margaret Deanesly, *The Lollard Bible* (Cambridge, 1920), pp. 261, 263.

now lost. Secondly, she may, like Margery Kempe,²¹ have had a scholar or scholars to read to her, whether for payment or as a charitable work; as we shall show in the introduction to our edition, there were such scholars, some of national or international reputation, in Norwich in her days, at the Benedictine cathedral priory and in the houses of the four orders of friars — the Austin Friars' house with its fine library²² was just across the road from St. Julian's Church and the anchorhold — and such a reader may have made for her his own Bible versions. But, as we shall see, her literary knowledge was by no means confined to the Bible; and if she had needed a reader to acquire her familiarity with the wide range of English spiritual classics she commanded, he would have been so employed for many years. Thirdly, she may have known French and have used an Anglo-Norman Bible, though, had that been so, one would expect the vocabulary of her Biblical allusions and, indeed, of her whole work to show a higher proportion of Romance borrowings than it does. Finally, she may have known Latin and have used the Vulgate.

These are the possibilities; as to probability, one can only speculate, but the present editors would say that out of them the most attractive, because it best fits and explains the facts exhibited by the *Revelations*, is the last, that Julian was a learned woman and some kind of Latinist. Presently we shall show how we think that this can be reconciled with her own descriptions of herself as 'a woman leued, febille and freylle',²³ as 'a symple creature vnlettyrde'.²⁴ That she may have known the Vulgate appears highly probable when we examine the closeness of some of her renderings to the Latin. To cite only one example, in the short text she writes:

Swilke paynes I sawe that alle es to litelle þat y can telle or saye, for itt maye nouzt be tolde, botte ylke saule aftere the sayinge of saynte Pawle schulde feelee in hym þat in Criste Jhesu.²⁵

She is quoting Philippians 2:5: 'Hoc enim sentite in vobis quod et in Christo Jesu.' 'Schulde feelee' exactly translates 'sentite'; she is probably

²¹ Sanford Brown Meech and Hope Emily Allen, *The Book of Margery Kempe*, EETS O.S. 212 (London, 1940; rpt. 1961), pp. 142-144.

²² In 1457 the widow of a Norwich mayor bequeathed one hundred marks to the building of a new library, the third since the house was founded, 1277-1289; Francis Roth, *The English Austin Friars, 1249-1538*, vol. 1: *History* (New York, 1966), p. 374.

²³ MS. A, fol. 101.

²⁴ MS. P, fol. 3.

²⁵ MS. A, fol. 103v.

thinking of the connexion she so often makes between 'mind' and 'feeling', as when, in the long text, she writes:

... that my bodie might be fulfilled with mynd and feeling of his blessed passion, as I had before praied.²⁶

Both the Latin and the English, it will be observed, have the same ellipsis of 'to be'.

Often we shall have occasion in the footnotes to our text to remark the congruity between Julian's modes of self-expression and those of the *Ancrene Riwe*. This is hardly remarkable. Whoever first wrote the *Rule* in the 1220's for that little family of anchoresses, he was writing of that same enclosed and penitential life to which Julian vowed herself, and he was drawing on the same liturgical, devotional and ascetic sources as those which fed her. Her closeness to the spirit and the letter of the *Rule* is nowhere more striking than in the parenthesis in which she alludes to the private devotions which, she knows, are the common heritage she shares with many who will read her:

We pray to God by his holy flesh, by his precious blood, his holy passion, his most dear death and worshipful wounds. But all the blessed kindness and the endless life that we have because of all this — it is of the goodness of God. And we pray to him by the sweet love of the mother that bore him; but all the help that we have of her, it is of his goodness. And we pray by his holy cross on which he died; but all the help and all the power that we have because of that cross, it is of his goodness. And in the same wise, all the help that we have of special saints, and of all the blessed company of heaven, the very dear love and holy endless friendship that we have of them, it is of his goodness.²⁷

Julian writes: *We praie to god for his holie flesh*; the *Riwe* has: 'In þe masse hwon þe prest halt vp godes bodi, siggeþ þis vers ...: Ecce salus mundi verbum patris, hostia vera, viua caro, deitas integra, verus homo.'²⁸ She writes: *for his precious bloud*; in the *Riwe* we read: 'þencheþ on godes flesch and on his derworþe blod þat is aboue þe heize weued.'²⁹ Compare her *his holie passion* with the *Riwe*'s 'Tuam crucem adoramus domine, tuam gloriosam recolimus passionem,'³⁰ her *his dere worthy death*

²⁶ Walsh, *Revelations*, p. 48.

²⁷ *ibid.*, p. 55.

²⁸ MS. P, fol. 11; MS. Vernon (Bodleian Eng. poet. 1.a), fol. 373; in this and the succeeding quotations the still unpublished Vernon text of the *Riwe*, contemporary with Julian, its vocabulary considerably modernized, is quoted; cf. Mabel Day, ed., *The English Text of the 'Ancrene Riwe': MS BM Cotton Nero A.xiv EETS O.S. 225* (London, 1952), p. 13.

²⁹ MS. P; fol. 11; MS. Vernon, fol. 340 (recte 372b); cf. Day, p. 7.

³⁰ MS. P, fol. 11; MS. Vernon, fol. 340 (372c); cf. Day, p. 7.

with the *Riwe*'s 'Ladi seinte Marie, for þat ilke mucle blisse þat þou haddest þo þou seze þi dere derworpe sone aftir his deore dep aysen.'³¹ She continues: *and worshipful woundes*; the *Riwe* has: 'Jhesu for myne sunnes was honged on rode, for þat ilke fiue wunden þat þou on hire bleddest ...'³² She invokes *all the blessed kyndnes*; the *Riwe* directs: 'And at þis word Nascendo formam sumpseris cussep þe erpe.'³³ Julian writes: *of special saintes*; the *Riwe* mentions 'Halewen þat ze louen best, in heore worschupe siggeþ oþer les oþer mo.'³⁴ She turns her mind to *the endless life that we haue*; the anchoresses are told to pray: 'Tu esto nostrum gaudium qui es futurum premium. Sit nostra in te gloria per cuncta semper secula.'³⁵ She invokes Christ *for his sweete mothers loue*; they say: 'Ladi seinte Marie, for þat ilke mucle blisse þat þou heddest in with þe in þat tyme þat Jhesu god, godes sone, after þe angels gretinge nom flesch *and* blod in þe.'³⁶ She invokes him *for his holie crosse*; they say: 'Adoramus te Christe et benedicimus tibi quia per sanctam crucem tuam redemisti mundum.'³⁷

Another early work the influence of which seems to have been pervasive in Julian's thought and reflected in her language and style is *The Privy of the Passion*,³⁸ or some other fourteenth-century version of pseudo-Bonaventure's *Meditationes vitae Christi*.³⁹ Though the Englishing of this text is usually associated with Nicholas Love, prior of Mount Grace Charterhouse in North Yorkshire in the early 1400's,⁴⁰ it had already for long been known in a variety of forms, one of which must surely have been familiar to Julian. Perhaps the best single place to indicate this is in chapter 17 of the long text, where she is describing her vision of the sufferings of the Crucifixion:

I saw four reasons for the drying. The first was the loss of blood: the second, the pain which accompanied it: the third is that he was hanging up in the air as men hang out a cloth to dry: the fourth, that his bodily

³¹ MS. P, fol. 11; MS. Vernon, fol. 373b; cf. Day, p. 17.

³² MS. P, fol. 11; MS. Vernon, fol. 340 (372)d; cf. Day, p. 11.

³³ MS. P, fol. 11; MS. Vernon, fol. 340 (372)c; cf. Day, p. 8.

³⁴ MS. P, fol. 11v; MS. Vernon, fol. 340 (372)d; cf. Day, p. 12.

³⁵ MS. P, fol. 11; MS. Vernon, fol. 340 (372)c; cf. Day, p. 7.

³⁶ MS. P, fol. 11; MS. Vernon, fol. 373b; cf. Day, p. 16.

³⁷ MS. P, fol. 11v; MS. Vernon, fol. 340 (372)c; cf. Day, p. 7.

³⁸ Carl Horstmann, ed., *Yorkshire Writers ... Richard Rolle and His Followers*, 2 vols. (London, 1895-1896), 1. 198-218. Victor Deyglio of the Pontifical Institute is engaged in the editing of the earliest English verse *Privy*.

³⁹ Ed. Adophe Charles Peltier, *S. Bonaventurae opera omnia* 12 (Paris, 1868), pp. 529-630; cf. Mary Jordan Stallings, *Meditaciones de passione Christi olim Sancto Bonaventurae attributae* (Washington, D.C., 1965).

⁴⁰ Ed. Lawrence Fitzroy Powell, *The Mirrour of the Blessed Lyf of Jesu Christ* (Oxford, 1908).

kind demanded drink, and there was no manner of comfort ministered to him. Hard and grievous was that pain. But much harder and more grievous it was when the moisture failed, and all the flesh began to dry and shrink.⁴¹

This is strikingly like a passage in the *Privy*:

And whene he was thus sprede obrode one þe crosse, more strait pan any parchemyne skynne es sprede one þe harowe;⁴²

but it is possible that Julian knew of this in another context, the *Meditations on the Passion*, ascribed, but without any certainty, to Richard Rolle.⁴³

... pere is no leninge to þin heed, þi bodi is streyned as a parchemyn skyn upon the harowe.⁴⁴

Here we do not need to canvass the possibility that Julian may have known pseudo-Bonaventure in the original Latin, because this detail, the comparison with parchment stretched in the wind on a frame to dry, seems to be the work of an English interpolator.⁴⁵

It is not without interest that Julian seems to have known some early English recension of pseudo-Bonaventure, because what little biographical information she gives us shows how 'Franciscan' her first spiritual aspirations had been. The short version begins *in medias res*:

I desired three graces by the gift of God. The first was to have mind of the passion of Christ. The second was a bodily sickness. The third, to have, of God's gift, three wounds.⁴⁶

She goes on to elaborate this. She asked for the grace of a spiritual participation in the sufferings of Mary and the others on Calvary (though she makes it plain that she was asking for no supernatural revelation, such as came to her); she asked for all the sickness and desolation which a dying woman would experience; and the three wounds she desired were 'the wound of contrition, the wound of compassion, and the wound of wilful longing for God'.⁴⁷ To this account she has little alteration or addition to make when she comes to compose the long text.⁴⁸ How much this was in accordance with contemporary Fran-

⁴¹ Walsh, *Revelations*, p. 76.

⁴² Horstmann, *Yorkshire Writers* 1.206.

⁴³ Hope Emily Allen, *Writings Ascribed to Richard Rolle* (New York - London, 1927), pp. 278-287.

⁴⁴ Horstmann, *Yorkshire Writers* 1.100.

⁴⁵ Cf. Stallings, *Meditaciones*, p. 113.

⁴⁶ Reynolds, *A Shewing*, p. 1.

⁴⁷ *ibid.*, pp. 2-3.

⁴⁸ Walsh, *Revelations*, pp. 47-48.

ciscan devotional writing we can see if we compare it with a genuine work by Bonaventure:

Do not just put your finger into the place of the nails, do not just put your hand into his side, but enter, the whole of you, by the gate of his wounded side until you find the heart of that same Jesus, and there, transformed into Christ by a most burning love for the crucified one, pierced with the nails of a holy fear, transfixed with the lance of the love of all your heart, stabbed through with the sword of your inmost compassion, seek nothing else, want nothing else, find consolation in nothing else than being able to die with Christ upon the cross.⁴⁹

But study of the *Revelations*, indeed, study of the spiritual literature with which she seems to have become occupied, will show us how far Julian progressed beyond such merely affective devotions.

Constantly, Julian's theology and her phraseology put us in mind of Walter Hilton's *Scale of Perfection*. One example must suffice here. In the fourth chapter of the long text she writes:

The Trinity is our endless joy and our bliss, by our Lord Jesus Christ and in our Lord Jesus Christ. And this was shewed in the first sight, and in them all; for where Jesus appears, the blessed Trinity is understood, as I see it.⁵⁰

'By our Lord Jesus Christ and in our Lord Jesus Christ' is quoting Romans 11:36, with which she would be familiar from the doxology concluding the canon of the Roman Mass; and what follows is very close to book 2, chapter 32 of the *Scale*:

And soþly I wote not what were more lef to swilk a soule þat hæp felt a litel of it (*sc.* the knowledge and love of Jesus) þan vtterly alle oper þinges left and set at noȝt tent only þerto for to hæfe clerer siȝt and clenner luf of Jhesu in whome is alle þe blissid trinite.⁵¹

We can date the composition of the *Revelations* more narrowly than we can that of the two books, separately written and published, of the *Scale*. All that seems possible to state at the present time is that Julian's long text and Hilton's second book were probably roughly con-

⁴⁹ 'De perfectione vitae ad sorores', quoted from E. Colledge, ed., *The Latin Poems of Richard Ledrede, O.F.M.* (Toronto, 1974), p. xlvii.

⁵⁰ Walsh, *Revelations*, p. 51.

⁵¹ MS. British Library Harley 6579 (the best single manuscript of book 2 of the *Scale*, we are advised by Dr. S. S. Hussey), fol. 108v; cf. Evelyn Underhill, *The Scale of Perfection* (London, 1923), pp. 373-374.

temporary. Lacking as we still do critical texts of the *Scale*, we shall be rash to postulate which of the two writers was the borrower. It is at present impossible for us to pronounce on the following interesting case. In Julian's short text we first encounter what is probably now the most famous of all her locutions (owing its celebrity in modern times partly to T. S. Eliot's use of it in 'Little Gidding'):

For the passion of our Lord is comfort to us against all this, and so is his blessed will for all that shall be saved. He comforts readily and sweetly by his words and says: But all shall be well, and all manner of thing shall be well.⁵²

In the long text, this becomes one of the *Leitmotive*, occurring four times before its final resolution:

And then none of us shall be prompted to say of anything: Lord, if it had been thus, it had been well; but we shall all say with one voice: Lord, blessed may thou be! For it is thus, and it is well.⁵³

Compare this with book 1, chapter 33 of the *Scale*:

... with mekenes of hert traistand also sykerly in þe mercie of oure lord þat he schal make it gode, more þen þou knoweþ or feleþ; and if þou do þus, all schal be wel ... bot þouþ þou fall an oþer tyme in þe same, ȝee an hunderth tymes, a thousand tymes, ȝit do as I haue said, and all schal be wel.⁵⁴

This quotation is taken from MS. Cambridge University Library Additional 6686, which the late Professor T. P. Dunning advised one of the editors, some twenty years ago, is the best single manuscript of book 1, and from which we quote in the footnotes to our edition. Evelyn Underhill, in her modernized version, made from manuscripts but not utilizing the Cambridge University Library copy, reports that two others, Harley 2387 and Lambeth 472, 'insert' the first occurrence of 'all schal be wel'; the implication is that this is the work of a later scribe-editor. Were this the case, the probability would be that he, with Julian in mind, was giving the same cadence to Hilton's writing; but this we shall not be able to judge until we have a critical edition of the *Scale* exposing all the manuscript evidence. Meanwhile, all that we can say is that some versions of Hilton's text are as close to Julian in their style as they are in content.

⁵² Reynolds, *A Shewing*, p. 40.

⁵³ Walsh, *Revelations*, p. 108.

⁵⁴ MS. Cambridge University Library Additional 6686, p. 304; cf. Underhill, p. 75 and n. 2.

Space does not permit of any similar exposition of the resemblances we have observed in other contemporary theological writings; for the moment it must suffice to say that we think we have found enough evidence to suggest that before Julian wrote the long text, she had become familiar with Chaucer's translation of Boethius and with *The Chastising of God's Children* (both works, it is thought, written about 1380), and that very often she seems to be recalling the writings of the author of *The Cloud of Unknowing*.

We have already looked at the internal biographical data which show that Julian must have been born about New Year, 1343; and the author of the preface to the short text says that in the year 1413 she is still alive.⁵⁵ Three bequests in contemporary wills seem to be to her. That of Thomas Emund, made in 1404, a chantry priest of Aylesham in Norfolk, leaves one shilling to 'Juliane anachorita apud ecclesiam sancti Juliani in Norwico'.⁵⁶ John Plumpton, citizen of Norwich, made his will on 24 November 1415, and it was proved four days later; in it he bequeathes forty pence to 'le ankeres in ecclesia sancti Juliani de Conesford in Norwico'.⁵⁷ Isabel, daughter of Thomas Beauchamp, earl of Warwick, and widow of William Ufford, second earl of Suffolk, who died in 1416 in the house of Augustinian canonesses at Campsey Ash in Suffolk, made many provisions for prayers for her soul; but the only recluse she mentions is 'Julian recluz a Norwich', to whom she wills twenty shillings.⁵⁸ In the cases of these last two bequests, we must allow for the possibility⁵⁹ that between 1413 and 1415 (or 1416) Julian had died and had been succeeded in the anchorhold by another solitary who had also taken the name of the church's patron saint.

But only a perversely captious critic would deny authenticity to another, vastly more important external witness to Julian's historicity, that of the egregious Margery Kempe.⁶⁰ Her account of her visit to Julian in search of spiritual counsel is filled, like all her *Book*, with her

⁵⁵ Reynolds, *A Shewing*, p. 1.

⁵⁶ Lambeth Palace, Register of Archbishop Arundel 1, fol. 540d. This was found by Dom Aelred Watkin and communicated by him to Sr. Anna Maria, then, later and independently, by the Revd Norman Tanner, S.J., who kindly pointed it out to the editors.

⁵⁷ Ernest Fraser Jacob, *The Register of Henry Chichele, Archbishop of Canterbury 1414-1443*, 4 vols. (Oxford, 1943-1947), 3.413.

⁵⁸ Thomas Frederick Tout, 'Ufford, William de, second earl of Suffolk of his house', DNB 20 (London, 1909), pp. 13 ff.

⁵⁹ Recently pointed out by R. M. Wilson, reviewing Robert K. Stone, *Middle English Prose Style*, in *Medium aevum* 42 (1973) 183-184.

⁶⁰ *The Book of Margery Kempe*, pp. 38 ff.

morbid self-engrossment; it is evident that the many days of their 'holy dalliance' were occupied in talk about Margery and her favours, not about Julian. But this itself shows precisely what the *Revelations* tell us, that Julian regarded herself as no more than a humble, anonymous recipient of unmerited graces. The story reveals all Margery's knowing judgment of others; she had recourse to Julian as an acknowledged expert (and here we have the testimony of Thomas Emund's will that as early as 1404 her fame was spreading); and Margery can hardly have been disappointed. She shows us Julian as skilled in Scripture, in spiritual theology and in the literature of 'discernment'. To counter Margery's babblings, Julian reiterates some of her cardinal teachings: the impotence of the devil, the indwelling in man of his loving Lord; and she returns the classic answer of *probatio*: 'By your fruits they will know you'. She tells Margery what, indeed, the other woman seems to have learned well: 'Do you want to know what is our Lord's meaning? Love is his meaning.'

It is unnecessary to catalogue all the misapprehensions to which this biographical information has given rise. We may safely dismiss such notions as would make Julian a Yorkshirewoman, possibly a widow, entering enclosure only in the early fifteenth century.⁶¹ The conclusions of Sr. Anna Maria Reynolds, that Julian was not living as a solitary at the time of the revelations, now command general agreement, although the present editors do not consider that the evidence necessarily points to the deduction that she was in her mother's house. The earliest external testimony which we have that she was a recluse is the will dated 1404. The *terminus a quo* for the construction of the long text is February 1393 (and it follows that this is also the short text's *ad quem*): 'Twenty years after the time of the shewing, save three months, I had teaching inwardly'.⁶² Our conjecture is that she was a member of a community of contemplative nuns for some years before the revelations, and that she remained in this community until she was able to fulfil God's will, to make known his goodness: 'Because I am a woman, should I therefore believe that I ought not to tell you about the goodness of God, since I saw at the same time that it is his will that it be known?'⁶³ She had achieved this when she was able to write, in the last chapter of her long text: 'This book is begun by God's gift and his

⁶¹ See e.g. Edward Ingram Watkin, *Poets and Mystics* (London - New York, 1953), p. 73.

⁶² Walsh, *Revelations*, p. 135.

⁶³ Reynolds, *A Shewing*, p. 17.

grace; but it is not yet performed, as I see it.'⁶⁴ Then, we believe, she retired to the anchorhold for its performance, through a yet more intensified form of contemplative living. The following are our chief reasons for this conjecture.

Firstly, she states that at the age of thirty she had been living the contemplative life from her youth, which probably means from her late teens. In Revelation 6, God thanks her for the service and labour of her youth, and she adds: '... the age of every man shall be known in heaven, and he shall be rewarded for the time of his willing service, and especially the age of them that willingly and freely offer their youth is surpassingly rewarded and wonderfully thanked'.⁶⁵ This is a reflection on a locution made to her, and to her alone; and although, characteristically, Julian is concerned to show its general application, it must surely in the first instance have been applicable to her own situation: it must indicate that she had taken vows when young. Similarly, in the short text, after mentioning that Christ showed her his mother three times, she writes: 'In this shewing was I taught that every contemplative soul to whom it is given to behold and feel God shall see her and pass to God by contemplation'.⁶⁶ In a footnote to this passage we shall quote the contemporary prayer, *Obsecro te domina sancta Maria*,⁶⁷ asking for this precise grace, the vision of our Lady in one's last hours. Similarly, when writing of the three 'noughts', the first of which was shewed to her in the vision of Mary and the hazel nut, she adds: '... of this needs every man and woman who desires to live contemplatively to have knowing'.⁶⁸ The implication is plain: this is Julian's desire, and she has been helped to attain it by the vision and the ensuing insights. In her day it would hardly be possible to use such a term as 'live contemplatively', were she not professed to the contemplative life. Hilton, for example, in *Mixed Life*, seems to be aware that he is preaching novelties, at least for 'wholly temporal men'; and there could be no such 'mixed life', such as he was counselling, for women, prohibited alike from episcopacy and preaching, the two 'lives' he is concerned with. This is why Margery Kempe gave such scandal; this explains Julian's own expostulation that she is not preaching.⁶⁹

⁶⁴ Walsh, *Revelations*, p. 208.

⁶⁵ *ibid.*, p. 72.

⁶⁶ Reynolds, *A Shewing*, p. 38.

⁶⁷ From MS. Trinity College Dublin 102, fol. 28.

⁶⁸ Reynolds, *A Shewing*, p. 11.

⁶⁹ *ibid.*, p. 17.

Secondly, the variety and modernity of her vocabulary indicate that she was not limited, in contacts and conversation, before she completed the long text, in the way in which one might expect an anchoress to be, if she took her vocation seriously.

Thirdly, there is her comprehensive grasp of current contemplative teaching, and her ability to apply it to her own case in so individual a way. Pursuing her policy of making no display of her learning, she has been so adroit in concealing it that some students of fourteenth-century spirituality have decided that these sources were exclusively Benedictine, whereas the internal evidence shows that she had considerable knowledge of the Dionysian school, especially as represented by Hilton and the *Cloud* corpus.

We see Julian as she describes herself at the time when she received the revelations, already, it would seem, firmly established in a monastic environment, intent upon the one end of monastic life, the search for God.⁷⁰ Her third petition was for 'the wound of earnest longing for God', which she asked for 'mightily and without any condition'. She shows herself to be influenced by and immersed in the popular devotions preached in her times, notably by the Franciscans; but she is also sufficiently spiritually instructed and mature to make her first two desires conditional: 'These two desires, of the passion and of the sickness, I desired of him with a condition; for I believed that mine was not the ordinary use of prayer. Therefore I said: "Lord, you know what I wish, but only if it be your will that I have it. If it be not your will, Lord, be not displeased."'⁷¹ It is possible that she is telling us here of a time before she entered religion; we may compare this aspiration for a share in the suffering of the Passion with the *Fifteen Oes*, which we know to have been a popular devotion, both in Latin and English, in the mid-fourteenth century. In editing Julian's first account of her aspirations, we shall quote a contemporary version:

Lorde Jhesu, euer lastyng swetnes of þam pat þe luf ... I be seke þe for þe mynd of þis dysnese pat þu sofurd be for þu was done on þe rode, as gyf me be for my dyyng verray contrycyon, clere schryfte and worthy satysfaccyon.⁷²

But there is here more than a laywoman's untutored piety; as we have already indicated, she seems to have been systematically exposed to the

⁷⁰ Walsh, *Revelations*, p. 48, and see Jean Leclercq, *L'amour des lettres et le désir de Dieu* (Paris, 1957), p. 25.

⁷¹ Walsh, *Revelations*, p. 48.

⁷² MS. British Library Royal 17 C.xvii, fol. 95.

lectio divina of a monastic house; and we should recall that 'youth' is a time when in such houses this sort of learning is to be acquired.⁷³ Further, it is hard to imagine any secular environment in which she could have gained her comprehensive acquaintance with the spiritual theology available from contemporary literature, or the spiritual direction by which she seems to have profited. It is true that we know of great ladies in the world⁷⁴ much devoted to such literature, organizing their households, especially in widowhood, on quasi-monastic patterns; but we have no evidence to show that Julian had frequented such a menage, or that she was of aristocratic birth. One objection to the supposition that she was at this time a nun is that she says that her mother was present at her bedside,⁷⁵ and that she was ministered to by 'my curate',⁷⁶ that is, by a secular priest. But her mother might well have been admitted to the convent for the occasion, or have been living there as a boarder; the records of the times abound with evidence of mitigations of enclosure in nunneries,⁷⁷ and often they were served, as chaplains, by secular priests.⁷⁸ It is noteworthy that she makes no mention of any adult male having access to her sickroom, apart from the 'curate' and a 'religious person'.⁷⁹ However, it must be pointed out that we have no grounds for deciding, as others have suggested,⁸⁰ that the nunnery to which Julian belonged was that in closest proximity to St. Julian's Church, the Benedictine priory of Carrow just outside the city walls.

We have already quoted Julian, at the beginning of the long text, writing that at the time of the revelations, that is in her thirtieth year, she was 'a simple, unlettered creature', and, earlier in her life, writing the short text, protesting that she is then 'lewd, feeble and frail'. What she meant by 'unlettered' is debatable; we shall in our edition cite evidence to suggest that most probably it should be glossed 'lacking literary skills'. As to 'lewd, feeble and frail', if we look at this in its con-

⁷³ Lederq, *L'amour des lettres*, pp. 21 ff.

⁷⁴ One thinks of such women, in the fourteenth century, as Elizabeth de Burgh, lady of Clare; in the fifteenth, of Margaret Beauchamp, niece of Julian's benefactress, the countess of Suffolk, and wife of John Talbot, first earl of Shrewsbury; of Cecily Nevill, duchess of York and mother of Edward IV; of Margaret Beaufort, countess of Richmond and Derby and mother of Henry VII.

⁷⁵ Reynolds, *A Shewing*, p. 29.

⁷⁶ *ibid.*, p. 5.

⁷⁷ See Eileen Power, *Medieval English Nunneries, c. 1275-1535* (Cambridge, 1922), *passim*.

⁷⁸ *e.g.* *ibid.*, p. 144.

⁷⁹ Walsh, *Revelations*, p. 176.

⁸⁰ *e.g.* by Conrad Pepler, *The English Religious Heritage* (London, 1958) and by David Knowles, *The English Mystical Tradition* (London, 1961).

text we shall see that she is presenting a theological argument which those who are 'lewd, feeble and frail' will not grasp without instruction, that the 'great commandment' cannot be fulfilled if the creature's love for God is withheld from the least of God's creatures. She is asserting her solidarity, her identity with these least of his creatures; but if in fact she had been 'lewd' — 'ignorant' — her ignorance of theology would have made it impossible for her to write as she did. But these protestations are also anticipating the criticisms of her book which she expects from hostile men, who will say that she is disobeying Paul's precept that women must not preach. She tells them now — just as Margery Kempe, who may have learned from her this answer, was later to silence her adversaries — that she is not preaching, that she is no more than the witness to the graces of enlightenment which she has received. It is noteworthy that her whole tone in her later, longer text is much more confident; and we can observe the same self-assurance in Margery's account of the instructions which she received from Julian. It may be that in the event her book had been received with more benevolence than she had hoped for.⁸¹

When we consider Julian's place in the contemplative tradition as it evolved in England, we must be prepared to make a survey wider than previous critics have attempted.⁸² We cannot restrict it to consideration only of such English contemporaries of hers as Rolle, Hilton and the *Cloud*-author; and examination of her *Revelations* soon shows that the plethora of translations from Latin spiritual treatises,⁸³ on many of which she drew, has its place in the European monastic tradition, informed, as were the originals, by a sound and deep theological learning. How Julian acquired that learning is of secondary importance, though, in face of the persistent statements which have appeared during the last twenty-five years that she is in debt to Eckhart and Tauler,⁸⁴ it must be insisted that such similarities and analogues in Julian are almost always traceable to contemporary English vernacular treatises and translations. The notes to our edition will draw attention to resemblances between her thought and language and that of the English versions of the *Stimulus amoris*, the *Horologium sapientiae*, Richard of St. Vic-

⁸¹ On the contemporary background to Julian's *captatio benevolentiae*, see E. Colledge and J. Walsh, 'Julienne de Norwich', *Dictionnaire de spiritualité*, 8, cols. 1607-1608.

⁸² See n. 80, supra.

⁸³ See Peter Jolliffe's recent exhaustive survey: *A Check-List of Middle English Prose Writings of Spiritual Guidance* (Toronto, 1974).

⁸⁴ Notably by David Knowles, *The English Mystical Tradition* and, following him, by Jeanne Ancelet-Hustache, *Maître Eckhart: les traités* (Paris, 1971).

tor's *Benjamin minor* and John Ruysbroek's *Spiritual Espousals* and *Treatise of Perfection*. Julian may have known such works, drawn from so many centres of European civilization; but she seems to have acquired her knowledge, as might others of her contemporaries, from English monastic scholar-translators.

So far, we have examined evidence for the probability, suggested by her seeming familiarity with the Vulgate and with classical spiritual literature, that she had received an academic training; but probability is transformed into certainty when we observe that she was a highly accomplished rhetorician. It cannot be fortuitous that the manuscripts indicate that, when she drafted her short text, she was already competent in the use of many rhetorical *figurae*, that her additions to, and, even more, her alterations of this first text in her second version show a marked increase in the *figurae* she employs and her skill in utilizing them, and that, in particular, she can be seen to have come, as second nature, to employ as *colores* the *oppositio contrariorum* (which other rhetoricians call *contrarietas*, the term she seems to have known and translated as *contrarytes*) to express her insights into the mystery of the hypostatic union, and *compares*, of three *cola* if she is using *distributio* to appropriate to the persons of the Trinity, of four *cola* if she wishes to appropriate to Father, Son, Spirit and triune God. Undoubtedly, she found models for the method in which she learned to think and to clarify her thought in the text of the Vulgate, itself a treasure-house for all mediaeval rhetoricians, and probably also in Chaucer's *Boethius*, contemporary with her short text and showing much the same developing skills in the use of the *figurae*; but it is unthinkable that in this she could have been self-taught. It is most improbable that in her time there was any English house of women religious which instructed its students in the arts of discourse; there would have been few who could have profited by such teaching, fewer who could hope to make practical use of it. Far more probably, when young Julian must have come in contact with some scholar or scholars who perceived the fine quality of her intellect, and who encouraged and helped her to acquire facility in thinking and writing in *figurae*. Lack until now of a critical edition of the *Revelations* has kept this hidden. In recent times one scholar has written that 'with the exception of Chaucer and John Gower there is virtually no vernacular literary consciousness of a rhetorical tradition',⁸⁵ and another has denied to Julian any status as a

⁸⁵ James J. Murphy, 'Rhetoric in Fourteenth-Century Oxford', *Medium aevum* 34 (1965) 12.

rhetorician.⁸⁶ Here, one demonstration alone must suffice of how uninformed such judgments are: Julian's employment of what *Ad Herennium* calls *absolutissima et perfectissima argumentatio*, that which consists of five parts: (a) *propositio*, (b) *ratio*, (c) *rationis confirmatio*, (d) *exornatio*, (e) *complexio*.⁸⁷ Towards the end of the long text, in chapter 74, Julian manipulates the five parts with perfect competence and ease:

- (a) Desyer we than of our lorde god to drede hym reverently...
- (b) for when we drede him reuerently...
- (c) the more that we trust ... þe more we plese...
- (d) and if vs feyle this reuerent drede...
- (e) And therfore vs nedyth moch to praye.⁸⁸

It is time for a new history of mediaeval English prose to be written, which will take due account of Julian's mastery of rhetoric, and will look around for documents which might help us to understand how she acquired it; and no longer will it be possible for modern critics to follow the most of their masters of the late Middle Ages in ignoring what Julian came to see as clearly as did the first *rhetoires*, that the *colores* were not merely for the embellishment of elegant verses, but were a mode of intellectual training whereby men's deepest and most complex intuitions could be presented with clarity and force and conviction. For any credit that her *Revelations* possess, to an outstanding degree, these qualities, the modest and self-effacing Julian would not have asked. She would have said, with one of the great masters in rhetoric, *Ego enim accepi a domino quod et tradidi vobis*.⁸⁹ But that she could write down what she had received with such consummate skills marks her out as unique in the England of her time, as herself a master of *ars prosaica*.

When we speak of 'the contemplative tradition in England', we mean first of all that style of spiritual writing and theological reflection which characterizes the monastic tradition in the West, which began with Benedict and reached its apex in the teaching of the early Cistercians, a tradition emerging from lives devoted to the knowledge and love of the Incarnate Word, who in himself reveals the Father through the power of the Spirit in the word of Scripture. Those who belong to this tradition have embraced the *ex professo* contemplative life; and their writings are the fruit of their living experience, immediate and reflec-

⁸⁶ R. M. Wilson, 'Three Middle English Mystics', *Essays and Studies* N.S. 9 (1956) 97.

⁸⁷ F. Marx, ed., *Rhetorica ad Herennium*, 2nd ed. corr. (Leipzig, 1964), 2.18.28.

⁸⁸ MS. P, fols. 156v-157.

⁸⁹ 1 Corinthians 11:23.

tive. Here, Julian had the advantage over her better-known contemporaries, Hilton and the author of the *Cloud*: she had not been exposed to the theology of the schools, so that the world of theological polemic or dialectic is never hers. Nor, unlike Rolle, has she to seek a balance or an integration of the didactic and the interpretative. Her theology is found within the circuit of her immediate interior sights and hearings of what was communicated to her in the context of her divine vocation and sacred learning. She also has that tutored respect for mystery and the *sancta simplicitas* which, according to Jean Leclercq, characterizes monastic theology.⁹⁰ She writes:

For everything that this simple soul understood, God wills should be shown and known; but those things that he will have secret, mightily and wisely he himself hides, for love. For I saw in the same shewing that many a secret thing is hid, until the time that God of his goodness has made us worthy to see it. Therefore I am well satisfied, abiding our Lord's will in these high marvels. And now I submit myself to my mother, Holy Church, as a simple child should.⁹¹

In the sense that Julian reveals no contact with the schoolmen, her theology is old-fashioned, though only schoolmen have judged her an indifferent theologian or no theologian at all;⁹² but her theology is precisely that which underlies the *lectio divina*, that theology of the contemplative life which depends wholly on a 'certain lived faith ... perpetually residing in the interior of faith, never going beyond faith, never losing sight of faith, never departing from the practice of faith'.⁹³ So Julian will define faith:

... our faith is a power which comes from our natural substance into our sensual soul, by the Holy Spirit, in which power all our virtues come to us; for without that, no man may receive virtues. For it is nothing else but a right understanding, with true belief and sure trust, of our being: that we are in God and he in us, which we do not see. And this power, with all others which God has ordained for us coming in it, works great things in us; for Christ is mercifully working in us, and we are graciously disposed to him, through the gift and power of the Holy Spirit.⁹⁴

⁹⁰ *L'amour des lettres*, pp. 193-197.

⁹¹ MS. P, fol. 85.

⁹² Roger Hudson, *Revelations of Divine Love* (London, 1927; 2nd ed. 1952) in one place writes of her as 'a mind ... that has penetrated deeply into the mysteries of the Catholic religion' (p. x), in another as having 'produced a certain confusion by trying to combine two theological truths' (p. xxiv); and E. I. Watkin is generally critical of her theological expertise (*Poets and Mystics*, e.g. p. 89).

⁹³ *L'amour des lettres* (trans. Catharine Misrahi, *The Love of Learning and the Desire for God* (New York, 1961), p. 264).

⁹⁴ MS. P, fols. 114v-115.

This faith, which is light, life and gift,⁹⁵ is expressed for the contemplative in every human act; for 'this werkyng' — of faith, of Christ in us — 'makyth that we be Crystes chyldren and cristen in lyvyng'.⁹⁶

Julian explains what this phrase, 'Christian in living', means by expressing her belief and trust that the souls of all the redeemed are incorporated into Christ to the extent that '...(God) makes no division in love between the blessed soul of Christ and the least soul that shall be saved. For it is very easy to believe and trust that the dwelling of the blessed soul of Christ is very high in the glorious godhead. And truly, as I understood in our Lord's meaning, where the blessed soul of Christ is, there is the substance of all the souls that shall be saved by Christ'.⁹⁷ This 'dwelling' is a mutual one, through the life and presence of the Incarnate Word.⁹⁸ The 'dwelling' is applicable to the entire Christian community, according to the measure of the consciousness of the gift of love which 'is ... made of the kyndly substannycyall goodnesse of the holy gost, myghty in reson of the myghte of the fader, and wyse in mynde of the wysdom of the son'.⁹⁹

Enough has been said of Julian's theology to show that she is worthy of the same serious attention as should be paid to Hilton and the author of the *Cloud*; but though they all inherit the same tradition, in some respects her theology and her whole view of life is profoundly different from theirs. It has often been observed that her world is a narrow one; but within its confines she maintains a tranquillity and a confidence which we shall not always find in those of her contemporaries who travel further afield. Unlike, for example, the author of *Piers Plowman*, concerned with exploring the possibilities of salvation for righteous pagans,¹⁰⁰ she has no place in her cosmogony for those who are not 'Christ's lovers'. Unlike Hilton and the *Cloud*-author, she is not concerned with the *massa perditionis*. Had she been reproached with this or any other lack of interest in abstract speculation, her answer undoubtedly would have been 'I could see nothing of all this'.¹⁰¹ She was not attempting any sort of Summa, but exploring, in all its dimensions, the terrain defined and limited by the terms of her revelations.

⁹⁵ e.g. Walsh, *Revelations*, pp. 156-157, 206.

⁹⁶ MS. P, fol. 115.

⁹⁷ Walsh, *Revelations*, p. 150.

⁹⁸ *ibid.*, p. 152.

⁹⁹ MS. P, fol. 112.

¹⁰⁰ See E. Colledge and W. O. Evans, 'Piers Plowman' in *Pre-Reformation English Spirituality*, ed. J. Walsh (London, 1965), pp. 121-131.

¹⁰¹ Walsh, *Revelations*, p. 100.

She never uses the words 'heretic' or 'heresy'. She shows no interest in Continental heretical movements. She appears impervious to any false Gnostic teachings, and to the spiritual deviations which the author of the *Cloud* castigates so severely when he writes of 'the devil's contemplatives'.¹⁰² The capital sin against which she declaims with greatest vehemence is 'doubtful dread':

There came a religious to me, and asked me how I fared. And I said I had raved during the day... And I said that the cross that stood before my face — it seemed to me that it bled freely. With this word, the parson to whom I spoke grew very serious, and was filled with wonder. And at once I was greatly ashamed and abashed at my recklessness; and I thought: 'This man, who saw nothing of this, takes seriously the least word that I say'. And when I saw that he took it so seriously and with such reverence, I grew greatly ashamed, and desired to be shriven. But I could not tell the fault to a priest; 'for', I thought, 'how would a priest believe me, when I, by saying I raved, shewed myself not to believe my Lord God?' Notwithstanding this, I believed him truly during the time that I saw him, and at that time it was my will and meaning ever to do so, without end. But, like a fool, I let this pass out of my mind. Alas, what a wretch I was! This was a great sin and a great unkindness, that out of folly, and for feeling of a little bodily pain, I so unwisely left, for the time, the comfort of all this blessed shewing of our Lord God.¹⁰³

As with all her observations, this is no abstract didacticism, but the fruit of her own experience. Though she predicts that the Church will be shaken 'as men shake a cloth in the wind',¹⁰⁴ this would appear to be genuine prophecy, rather than a forecast based on such 'signs of the times' as Joachim of Flora had seen.

Julian's world, her way of life and her commerce with God follow a pattern which had been established centuries before in the Anglo-Saxon Church, outstanding for its fostering of the solitary life, for devotion to Christ's humanity and to his Passion, and for its deep and tender love for the mother of God.¹⁰⁵ All these are marks of Julian's spirituality; they contribute to her theological insights, to the consummate skills with which she expounds them, to the exalted simplicity of her spiritual direction of others. She is apart from the controversies,

¹⁰² *The Cloud of Unknowing*, ed. Phyllis Hodgson, EETS O.S. 218 (London, 1944; rpt. 1958), 86.

¹⁰³ Walsh, *Revelations*, pp. 176-177.

¹⁰⁴ *ibid.*, p. 92.

¹⁰⁵ See E. Colledge, 'Early English Religious Literature' in *Pre-Reformation English Spirituality* (see n. 100), pp. 15-38.

often petty and disedifying, of her own day; she is concerned with what is perennial in man's quest for God, and she looks back to the golden age of contemplative living and prayer. Her Christology and her Trinitarian theology are dynamic; as she sees her redeemer crucified, she is aware that she is in the presence of his glorified humanity, and she never loses her knowledge that the Father is always working, in the Son and through him, 'by the grace of the Holy Spirit'.¹⁰⁶ In this she surpasses Rolle, Hilton, *The Cloud of Unknowing*, and she draws close to the spiritual teaching and experience of William of St. Thierry, as when in *The Golden Letter* he lays the theological foundations of Carthusian living and spirituality, or, in his *Orationes meditativae*, demonstrates what can be the fullness of being of the *homo ecclesiasticus*. When Julian, too, communicates to us the quality of her contemplative prayer, we are aware that her gifts transformed her into a personality unique in mediaeval England, rare and outstanding in the whole Christian world:

And from the time that it was shewed, I desired often-times to know what was our Lord's meaning in it. And fifteen years after and more, I was answered in ghostly understanding: 'What, would you know your Lord's meaning in this thing? Know it well. Love was his meaning. Who shows it to you? Love. Why does he show it to you? For Love. Hold fast in this. You will know more of this, but you will never know different, for ever and ever'.¹⁰⁷

We have shown that this was written by one who was full of the love of learning. This was only because she was also filled with the desire for God.

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¹⁰⁶ Walsh, *Revelations*, p. 120.

¹⁰⁷ *ibid.*, p. 209.

THE ANTI-NORMAN REACTION IN ENGLAND IN 1052: SUGGESTED ORIGINS

Miles W. Campbell

LATE in the summer of 1052 a number of Normans and other 'Frenchmen' settled in England were compelled to flee the kingdom in the face of attacks by the Anglo-Saxons. The most prominent of these fugitives was Robert of Jumièges, King Edward the Confessor's Norman archbishop of Canterbury. The prelate, together with a number of his companions, was forced to fight his way out of London and hastily ride to the Naze in Essex, there to board a 'broken-down ship' to cross the Channel.¹ The precipitous exodus of other 'Frenchmen' north from London to 'Robert's castle' is noted in the *Anglo-Saxon Chronicle*.² Elsewhere word is heard of Osbern 'Pentecost' and his friend and fellow castellan Hugh surrendering their castles and seeking sanctuary in Scotland.³

That these incidents reflected a significant anti-Norman movement in England has been the conclusion of virtually every scholar who has examined the affair.⁴ Similarly, there has been general agreement that the event marked a severe setback to the pro-Norman foreign policy

¹ MS. E, *Anglo-Saxon Chronicle*, rev. trans., ed. by D. Whitelock with D. C. Douglas and S. I. Tucker (New Brunswick, N. J., 1961), pp. 125-126. Also MSS. C and D, *ibid.*, pp. 122-127.

² *ibid.*, MS. E, p. 125.

³ Florence of Worcester, *Chronicon ex chronicis*, ed. B. Thorpe, 2 vols. (London, 1848-1849), 1.210.

⁴ E. A. Freeman, *The History of the Norman Conquest*, 6 vols. (Oxford, 1867-1876), 2.322-337; Sir F. M. Stenton, *Anglo-Saxon England*, 3rd. ed. (Oxford, 1971), pp. 565-569; D. C. Douglas, *William the Conqueror* (London, 1964), pp. 169-171; S. Körner, *The Battle of Hastings, England and Europe 1035-1066* (Lund, 1964), p. 193; R. A. Brown, *The Normans and the Norman Conquest* (London, 1968), pp. 125-126; C. Morton and H. Muntz, eds., *Guy, Bishop of Amiens, Carmen de Hastingae proelio* (Oxford, 1972), p. 65, where, however, it should be noted that the editors, following F. Barlow, *William I and the Norman Conquest* (London, 1966), p. 18, question whether Edward was ever doing more than dangling 'the inheritance before the dazzled eyes of his contemporaries without irrevocably committing it.'

which King Edward had sought to pursue.⁵ That policy's seeming apogee had in all likelihood been attained early in 1051 when the Anglo-Saxon monarch made formal announcement to Duke William of Normandy of his selection of him as his heir.⁶ The violent outbreak of anti-Norman feelings in England a year and a half later pointed strongly to the fact that, as Professor D. C. Douglas observed:

The royal authority in England had been challenged and defeated, and the Norman policy of the king had been broken... 'It reduced the Normans in England to political insignificance, and thereby decided that if the duke of Normandy was ever to become king of England it could only be through war.'⁷

That a revocation of the Confessor's bequest of the crown to William had occurred was made clear in 1054, at which time steps were taken to bring to England Edward the Atheling, the long exiled son of Edmund Ironside, with the obvious intent of having him proclaimed King Edward's successor.⁸

There can be no doubt but that the spark which served to ignite the violence in 1052 was the landing in southern England shortly before of Earl Godwine of Wessex at the head of a mercenary force.⁹ The previous fall the earl, together with most of his family, had been driven into exile by King Edward.¹⁰ Queen Edith, Godwine's daughter, was sent by her husband to dwell in retirement at Wherwell.¹¹ The disgrace

⁵ The two notable exceptions to this opinion are T. J. Oleson, 'Edward the Confessor's Promise of the Throne to Duke William of Normandy', *English Historical Review* 72 (1957) 223-224, and F. Barlow, 'Edward the Confessor's Early Life, Character and Attitudes', *ibid.* 80 (1965) 250, and *Edward the Confessor* (London, 1970), pp. 106-109, 214.

Professor Oleson argued that it was only after having promised to recognize Edward's bequest of the English throne to Duke William that Godwine was granted a pardon in 1052. This theory has not been accepted by other scholars: Barlow, 'Edward the Confessor's Early Life', 241 n. 3; Brown, *The Normans*, p. 124 n. 80; Körner, *The Battle of Hastings*, p. 193. Concerning Professor Barlow's view see below n. 12.

⁶ D. C. Douglas, 'Edward the Confessor, Duke William of Normandy, and the English Succession', *English Historical Review* 68 (1953) 354-358.

⁷ *William the Conqueror*, pp. 170-171, quoting Stenton, *Anglo-Saxon England*, 1st ed. (Oxford, 1943), pp. 558-559.

⁸ Florence of Worcester, 1. 215. See, however, Barlow, *Edward the Confessor*, pp. 215-217, where some reservations are expressed regarding the court's attitude toward the returned atheling.

⁹ MSS. C, D and E, *Anglo-Saxon Chronicle*, pp. 123-127. See Freeman, *The Norman Conquest* 2. 308ff.; Stenton, *Anglo-Saxon England*, pp. 558-561; Brown, *The Normans*, pp. 125-126; Douglas, *William the Conqueror*, pp. 169-171.

¹⁰ For a discussion of this incident see Freeman, *The Norman Conquest* 2, 125ff.; B. Wilkinson, 'Freeman and the Crisis of 1051', *John Rylands Library, Manchester, Bulletin* 22 (1938) 368-387; Stenton, *Anglo-Saxon England*, pp. 561-565; Brown, *The Normans*, pp. 119-120.

¹¹ MSS. D and E, *Anglo-Saxon Chronicle*, pp. 120-121. The *Vita Edwardi regis* asserts that she was sent to Wilton (ed. and trans. by F. Barlow (London, 1962), p. 23).

of the West Saxon family was the consequence of the earl's decision to challenge Edward's plan for an Anglo-Norman union, a rebellion that was thwarted when a majority of the nobles of the kingdom rallied to the king's support.¹²

Yet, while Godwine's return to England undoubtedly acted to unleash resentments that had developed among the English people for individual Normans and 'Frenchmen' within the country, men who had, in the words of the *Anglo-Saxon Chronicle*, 'promoted injustices and passed unjust judgements and given bad counsel', it does not satisfactorily account for the rejection of Duke William by the Anglo-Saxon magnates. William of Poitiers asserts that a number of the important nobles of the realm, including Earl Godwine, had given oaths confirming Edward's bequest of the throne to the Norman.¹³ When the earl determined to defy the king, it had been the support given Edward by the other magnates that had led to the banishment of Godwine and his family.¹⁴ In sharp contrast, when Edward called upon these same men to resist the earl of Wessex following his return to England in 1052, it is evident that they refused to do so.¹⁵ It seems plausible to conclude, therefore, that in the months between Godwine's expulsion and return the attitude of these nobles toward the king's Anglo-Norman alliance had altered markedly. Neither the English sources, which speak only of

¹² This has been the overwhelming conclusion of scholars who have given their attention to the question (above n. 10). Professor Barlow, *Edward the Confessor*, pp. 109-114, saw the conflict more as a personal clash between Godwine and the French element at the English court brought to a head by the antagonistic attitude of the foreigners toward his house, particularly that of Robert of Jumièges, Edward's Norman archbishop of Canterbury, and the earl's realization that his own influence was diminishing. Elsewhere he argues that there is no substantial evidence that Godwine was opposed to the Norman alliance (above n. 4). In sharp contrast, R. A. Brown has observed 'that Edward's Norman sympathies and preferments lead into the crisis of 1051 ... is as clear as anything can be in the haze which inadequate English sources draw over the politics of the reign' (*The Normans*, p. 119). See also M. W. Campbell, 'A Pre-Conquest Norman Occupation of England?', *Speculum* 42 (1971) 21-31.

¹³ *Gesta Guillelmi ducis Normannorum et regis Anglorum*, ed. and trans. R. Foreville (Paris, 1952), pp. 174, 176. Concerning Godwine's alleged acquiescence to this agreement in light of his assumed anti-Norman feelings, see M. W. Campbell, 'Earl Godwin of Wessex and Edward the Confessor's Promise of the Throne to William of Normandy', *Traditio* 28 (1972) 141-158.

¹⁴ MSS. D and E, *Anglo-Saxon Chronicle*, pp. 118-120. See Wilkinson, 'Freeman and the Crisis of 1051', 372 ff.; Stenton, *Anglo-Saxon England*, pp. 563-565.

¹⁵ MSS. C and D, *Anglo-Saxon Chronicle*, pp. 122-126, noting the landing of Godwine and his sons in southern England, observe that they 'enticed all the local people to their side, both along the seacoast and inland also' and that Edward, when he 'found out about this, he sent inland for more help, but it came very slowly', a response in sharp contrast to that of the previous year. Elsewhere in the same chronicle it is made clear that although Edward wished to resist Godwine, his nobles failed to provide the military support he required.

the 'unjust judgements and bad counsel' of the 'Frenchmen', nor those of Normandy, which are mute regarding the entire affair, provide an adequate explanation. Modern scholars, while recognizing the significance of Earl Godwine's restoration for Anglo-Norman relations, have not advanced an acceptable reason for the shift in opinion that had clearly occurred within England.¹⁶ Although it is probably impossible to discern a definitive answer to the problem, it may be that an examination of developments within Normandy and the Anglo-Saxon kingdom in the period between Edward's formal announcement of his bequest and the subsequent revocation of that promise will shed some light on the problem.

Any consideration of those factors which may have served to influence English opinion toward the king's pro-Norman foreign policy must be made in the light of what the original motives for such a policy had been. Unfortunately these are by no means clear. It was long held that Edward, borne of a Norman princess and having spent more than a quarter of a century in exile in that duchy, was simply by personal inclination more Norman than English.¹⁷ This thesis has, with justification, been questioned in recent years. Professor Frank Barlow, while not rejecting the view that the king had, early in 1051, given a promise of the crown to Duke William, has argued that he was motivated more by diplomatic expediency than by any personal ties he may have felt for Normandy.¹⁸ Thus, noting that the English court may well have been alarmed over the tense relations existing between the kingdom and the Scandinavian world, he held that 'a Norman alliance had for long been regarded as the real answer to the Viking menace.'¹⁹

Even more significant in Barlow's view in leading Edward to seek an accord with the Norman duke was the monarch's probable growing apprehension over the 'Flemish question'. Relations between England and Flanders had grown increasingly strained in the years following the death of King Canute. Although the reasons for this hostility are not

¹⁶ Below nn. 55, 56.

¹⁷ Freeman, *Norman Conquest* 2.29 and *passim*. Later writers, while modifying somewhat the extreme picture of Edward's pro-Norman attitude painted by Freeman, still hold the basic view which he held: T. J. Oleson, *The Witenagemot in the Reign of Edward the Confessor* (Toronto, 1955), p. 5; Stenton, *Anglo-Saxon England*, pp. 552-553; Douglas, *William the Conqueror*, pp. 166-168; Brown, *The Normans*, p. 110.

¹⁸ *Edward the Confessor*, pp. 106-109; 'Edward the Confessor's Early Life', 248 ff.

¹⁹ 'Edward the Confessor's Early Life', 245.

known, it is evident that the ports of the Flemish coast had come to serve as havens for all of those, Viking raider and English political exile alike, who sought to disturb the peace of the kingdom.²⁰ In 1049 the situation became particularly tense. Edward, supporting Emperor Henry III in his struggle with Count Baldwin V of Flanders and rebellious elements in Lotharinga, sent ships to assist the German in the blockade of the Flemish coast.²¹ Baldwin, in turn, was supported by Henry I of France and Duke William.²² Evidence that the friendship between the court of Saint Omer and that at Rouen was to be welded into an even firmer alliance was seen that same year with the announcement of the proposed marriage of Matilda, Count Baldwin's daughter, to Duke William. Alarmed both by England's worsening relations with the northern states, particularly with Sweyn Estrithson of Denmark, and by the close union developing between Normandy and Flanders, Edward, Barlow suggested, may well have made the offer of the succession to the duke in 'an attempt either to detach William from Baldwin or to buy himself into the alliance'.²³

It is doubtful that Edward's personal bonds with Normandy can be cursorily dismissed as having had little or no influence upon his decision to name Duke William his heir or that the projected union be viewed, as Professor Barlow argued, as 'a diplomatic move, opportunistic, rather than determined by fixed policy'.²⁴ It is, on the other hand, clear that the English king, in formulating his foreign policy, had to take into consideration any potentially threatening developments in his realm's relations with its neighbors. It is equally clear that Edward, prior to taking such a momentous step as promising the crown to a foreign prince, would have had to win the approval of the witan.²⁵

²⁰ P. Grierson, 'The Relations between England and Flanders before the Norman Conquest', *Transactions, Royal Historical Society*, 4th series, 23 (1941) 71-113.

²¹ MSS. C and D, *Anglo-Saxon Chronicle*, pp. 111-112.

²² Barlow, *Edward the Confessor*, p. 98.

²³ 'Edward the Confessor's Early Life', 249.

²⁴ *ibid.*

²⁵ Oleson, *The Witenagemot*, pp. 82-90. Noting that the reign of King Edward failed to provide evidence that the witan constituted a true 'electoral college' that could be said to dominate the king or that the Anglo-Saxon monarchy was an elective one, he continued: 'On the other hand, as might be expected, it testifies that the title of king rested not solely on hereditary right, or the right to kingship which membership in the royal family implied, but also acceptance by the community (represented in England by the magnates or witan surrounding the king) of the claimant to the throne' (*ibid.*, p. 89). See also: Stenton, *Anglo-Saxon England*, pp. 552-553. Brown, *The Normans*, pp. 66-67, 133.

As any arguments based solely upon those sentimental feelings he may have felt for Normandy would have had little influence on the members of that body, it is logical to assume that in seeking their support the king would have emphasized those diplomatic advantages he believed the kingdom would gain through a union with the duchy. Early in 1051, when Edward seemingly transmitted formal word to William of his decision regarding the succession, the Norman may well have appeared an attractive candidate as the king's successor. While his minority had been troubled, his claim to the ducal throne sharply challenged by rebellious elements within Normandy, William had, largely through the aid given him by the king of France, survived these trials. His victory over his foes at Val-ès-Dunes was due primarily to the intervention of Henry I, but his siege and capture of the stronghold of Brionne demonstrated that the youthful duke possessed great personal courage and vigor. Possessing the support of King Henry and moving toward a close alliance with Flanders, William's political star may well have appeared to be on the ascendance.

It must have been perceived, too, that Edward, approximately forty-five years old, was unlikely, whether as a consequence of his alleged oath of celibacy or simply physiological incapability, to produce an heir. On his death the vacant throne threatened to become a prize contested for by Sweyn Estrithson of Denmark and Harald Hardrada of Norway, both of whom believed that they had a claim to the English crown.²⁶ While it is difficult to discern where the Norse monarch could have garnered substantial support within England, Sweyn would seem to have had the backing of at least a small faction in the kingdom; indeed, it is probable that Earl Godwine was pro-Danish in his orientation.²⁷ There is, however, evidence that by 1047 a majority of the

²⁶ Sweyn based his claim upon his relationship to Canute, being the son of that monarch's sister. The Norwegian claim was founded on the reputed agreement between King Harthacanute and Magnus Olafson, Harald's predecessor, whereby the survivor would inherit the territorial holdings of the deceased.

²⁷ Adam of Bremen asserts that Sweyn was in England shortly after the death of Harthacanute in 1042 and that Edward, fearing the Dane would seek to seize the throne, recognized him as his heir (*History of the Archbishops of Hamburg-Bremen*, trans. F. J. Tschan (New York, 1959), p. 108). William of Malmesbury refers to opposition, presumably from the pro-Danish faction within the kingdom, to Edward's accession (*De gestis pontificum Anglorum*, ed. N. E. S. A. Hamilton, R. S. 52 (London, 1870), p. 34. Freeman, *Norman Conquest*, 2. 9-10, and Körner, *The Battle of Hastings*, pp. 138 ff., rejected the story of Edward's promise to Sweyn. Barlow, while questioning the story of the promise in 'Edward the Confessor's Early Life', 240, noted more recently that the king might have viewed the succession as '... a diplomatic card which could be played repeatedly, now recognizing Svein

Anglo-Saxon nobles favored a policy of neutrality toward Denmark, fearing perhaps that to do otherwise might lead to involvement in the war then raging in the North.²⁸ Apprehensive lest the realm be enmeshed in a bloody dynastic struggle and the northern war, many nobles may have concluded that Duke William's succession presented a satisfactory alternative. William of Poitiers, as has been noted, states that several of England's great nobles did, in fact, give their oaths acquiescing to the Norman's succession.

By the summer of 1052, on the eve of the earl of Wessex's return to England, several developments had taken place which, it seems reasonable to conclude, would have given the English nobles cause to take a fresh look at their earlier decision regarding the succession. Unquestionably the most crucial of these was the fact that Duke William found himself confronted with a powerful coalition of internal rebels and external foes which endangered his very hold upon his duchy. As with so many events in the early history of Normandy, it is difficult to establish a firm chronology for the evolution of the threat to William's authority. Indeed, it cannot be said with certainty that several specific incidents occurred in the period noted. Still, in spite of these obstacles, it is evident that shortly after Easter of 1051, the time at which it is thought the duke was informed of Edward's bequest, the Norman was faced with one of the severest tests he was to experience.

Count Hugh IV of Maine died in March of 1051, creating a vacuum

Estrithson as his heir, now William of Normandy' (*Edward the Confessor*, p. 109). Other historians have seen no reason to dismiss the German prelate's statement: L. M. Larson, 'The Efforts of the Danish Kings to Recover the English Crown after the Death of Harthacnut', *Annual Report*, American Historical Association (1910), pp. 74-75; J. H. Ramsay, *Foundations of England*, 2 vols. (London, 1898), 1. 437.

The fact that Earl Godwine's entire career had been closely linked to England's Danish masters has been noted by several scholars: Stenton, *Anglo-Saxon England*, p. 419; Brown, *The Normans*, p. 81, n. 97. Professor Barlow noted, probably correctly, that it is 'possible that some of the friction which developed between Edward and Earl Godwin was due to the king's distrust of the earl's Scandinavian connections' ('Edward the Confessor's Early Life', 239).

²⁸ The *Anglo-Saxon Chronicle* notes that in 1047, and perhaps again the following year, Sweyn appealed to the English court for fifty armed warships to assist him in his struggle with Magnus but that the request was rejected (MS. D, pp. 110-111). Florence of Worcester states that Earl Godwine supported the Dane's appeal (1.201). The fact that by the end of 1047 Magnus had been driven from Denmark may well have significantly diminished his influence in England. When, on the death of Magnus in 1047, Harald Hardrada, a Viking of tremendous military reputation, came to the Norwegian throne the prospects for Sweyn probably appeared to many even dimmer. In 1048 the new Norse monarch sent an embassy to England 'to treat about peace' (MS. D, *Anglo-Saxon Chronicle*, pp. 110-111). This may have been seen by the nobles of England as providing an opportunity to disengage from any possible entanglement in the northern conflict.

which Geoffrey Martel, the expansionist count of Anjou, quickly moved to fill. On the invitation of the citizens of Le Mans, the capital of Maine, he occupied the city, driving into exile Hugh's widow and children.²⁹ Soon after he seized Domfront and Alençon, fortresses astride important roads linking Maine and Normandy. Alençon had been held by the Belleme family from the duke of Normandy.³⁰ It was probably toward the end of summer or early in the autumn of 1051 that William, alarmed by Geoffrey's actions, moved into the field with his army. He undoubtedly had the approval of the king of France, who could not have been pleased with the aggressive conduct of the count of Anjou.³¹ Following a series of clashes Geoffrey, perhaps concerned over a threat being mounted by Henry I against Anjou, withdrew from Maine. William, having placed Domfront under siege, moved swiftly by night to fall upon the garrison at Alençon. That strategic fortress fell after a number of its defenders had been subjected to barbaric treatment.³² The atrocities committed at Alençon spread such terror among the citizens and troops of Domfront that when, in the winter of 1051-1052, the duke returned to the siege-lines encircling the town, they quickly capitulated on his promise of mercy.

While the initial victories in the struggle were gained by William, he was still at war with a dangerous adversary in the person of Count Geoffrey. The duke's problems were greatly compounded in the course of the summer of 1052 with the rebellion of his vassal Count William of Arques.³³ The count was in a position to muster a powerful coalition to challenge the Norman duke, supported as he was by his brother Mauger, archbishop of Rouen, and brother-in-law Enguerrand II, count of Ponthieu. As Professor Douglas observed: 'Here in truth was a formidable connexion based on Upper Normandy which by itself might have seemed capable of menacing the existence of the ducal power.'³⁴ Serious as was the crisis facing Duke William with the revolt

²⁹ Douglas, *William the Conqueror*, pp. 58-59.

³⁰ *ibid.*, pp. 58-61.

³¹ Geoffrey had already alarmed the French king in 1050 through his attack on Château-du-Lair in Maine where, while failing to take the fortress, he captured and imprisoned Gervais, bishop of Le Mans, an act for which the count was formerly excommunicated by Pope Leo IX (*ibid.*, p. 60).

³² The hands and feet of thirty-two captives were cut off and hurled over the city's walls as a warning to those inside (William of Jumièges, *Gesta Normannorum ducum*, ed. J. Marx (Rouen, 1914), p. 126).

³³ Douglas, *William the Conqueror*, pp. 62 ff.

³⁴ *ibid.*, p. 34. The opposition to Duke William was further strengthened by the support received from Enguerrand II, count of Ponthieu, Count William's brother-in-law.

of the count of Arques, as the summer progressed it became even more precarious. The most ominous development was the breach between Duke William and King Henry of France, a breach that was accompanied by a rapprochement of that monarch with Geoffrey of Anjou.³⁵ Further exacerbating the Norman's perilous situation was the fact that the French king almost certainly entered into an accord with the rebellious faction in Normandy, an alliance apparently solidified by mid-August of 1052.³⁶

For more than a year Duke William waged a bitter struggle for survival. His capture of the fortress of Arques late in 1053 and subsequent banishment of Count William, while eliminating one foe, did not end the internal strife, for other Norman lords threw their lot in with the rebels.³⁷ In February of 1054 the duke was faced with a two-pronged invasion of his territory by a sizeable force under the joint command of King Henry and his brother Odo.³⁸ At the battle of Mortemer that same month the issue was decided, William defeating his foes in a bloody engagement. While Mortemer marked a great triumph for the duke, it did not terminate the threat to his authority. It was not until late in 1060, with the deaths of King Henry I and Count Geoffrey, that William could feel his position in the duchy and in northern France was secure.³⁹ That the ultimate victory would go to the Norman, was, however, by no means clear in the summer of 1052; rather, as Professor Douglas observed:

... if the full strength of this coalition from Talou [i.e. Arques] and Rouen, from Paris, Anjou, and Ponthieu, could ever have been brought at one time in unison to attack the duke, it is very doubtful whether he could have survived.⁴⁰

It seems reasonable to suggest that the English nobles, perceiving that William's continued hold upon his own dukedom was in grave danger, would have had cause to re-evaluate his merits as Edward's heir.

Note might be taken of two other incidents which, centering upon Duke William personally, may have served to influence English opinion

³⁵ *ibid.*, pp. 63-64.

³⁶ Ordericus Vitalis, *Historia ecclesiastica*, ed. A. Le Prévost and L. Delisle, 5 vols. (Paris, 1838-1855), 1. 184.

³⁷ Douglas, *William the Conqueror*, p. 67.

³⁸ Ordericus, 3. 234-238; William of Poitiers, pp. 62, 65.

³⁹ Douglas, *William the Conqueror*, pp. 69-70.

⁴⁰ *ibid.*, p. 64.

regarding his succession. The first of these was William's marriage to Matilda of Flanders. Plans for the union were laid prior to 1049, soon after the battle of Val-ès-Dunes. At the council of Rheims in October of 1049 Pope Leo IX placed a ban upon it. The reason for the pope's action is not clearly understood although it is generally felt that it was based on the argument that William and Matilda were within the prohibited degrees of relationship.⁴¹ In spite of this papal opposition the marriage took place. Unfortunately the date of that event cannot be set with any precision, it having been suggested that it occurred as early as 1049 and as late as the end of 1053.⁴² Professor Douglas felt it not unreasonable to place it in 1050-1051, with the latter year more probable, and at all events not later than 1052.⁴³ If that union had occurred prior to Godwine's return to England in 1052, or if it were known that it would take place in the face of the papal ban, it may have, if but slightly, added to the doubts the English had as to the desirability of William as their future monarch. Duke William had lost the support of the king of France who, previously his strongest ally, was now alined with the Norman's foes domestic and foreign. In supporting Baldwin V and the rebels of Lotharingia he had gained the enmity of the German emperor. His marriage in violation of the papal ban had brought down upon him the anger of the spiritual leader of Europe. Earl Godwine, in his efforts to regain his former position within England and to end the projected union of the kingdom with Normandy, would not have been slow in exploiting the predicament in which William found himself.

The second incident was that of William's conduct during the siege of Alençon. Infuriated by the defection of the fortress and the taunts hurled at him by its defenders regarding his ignoble birth, he retaliated against them in a savage manner.⁴⁴ While the eleventh century was certainly not an age characterized by gentility in war — if, indeed, any age has been — the brutal act may well have struck an unpleasant note in the memory of Englishmen. Shortly before, in September of 1051, in the

⁴¹ *ibid.*, pp. 76, 392-393. The political motive behind the pope's action is not, on the other hand, difficult to discern. In 1049 Emperor Henry III, Leo IX's friend and ally, was involved in a conflict with Count Baldwin as a consequence of the latter's support of the Lotharingian rebels, and could not have been pleased with the alliance of Flanders and Normandy which that marriage symbolized; see *Barlow*, 'Edward the Confessor's Early Life', 246.

⁴² The question was discussed by Douglas, *William the Conqueror*, pp. 392-393.

⁴³ *ibid.*

⁴⁴ above n. 32.

course of a visit of Count Eustace of Boulogne to England, a fight had broken out between his retinue of 'Frenchmen' and Normans and the citizens of Dover, a clash that had resulted in a number of deaths.⁴⁵ The chroniclers make it clear that it was this incident that had served to ignite Godwine's revolt against Edward.⁴⁶ When the earl made his demands upon Edward as their armed forces confronted one another at Beverstone, those demands called for the punishment of the foreigners who had insulted Englishmen at Dover and elsewhere in the kingdom.⁴⁷ It does not seem implausible to suggest that William's brutality at Alençon, combined with the irritating conduct of Normans and other 'Frenchmen' within England, led many Anglo-Saxons to question further whether the duke and his Normans were really desirable as future masters.

In yet another manner the conduct of those 'Frenchmen' in England may have hurt the duke's cause. The western frontier of the kingdom had long been a danger point, frequently subjected to destructive incursions by the Welsh. While Earl Godwine and his son Swegen had been charged with the border with Wales the threat had largely been held in check.⁴⁸ In 1052, however, Griffith ap Llewelyn of North Wales struck into Herefordshire. Close by Leominster the levies of the region 'gathered against him, both natives and the Frenchmen from the castle. And many good Englishmen were killed and Frenchmen too.'⁴⁹ The 'Frenchmen' referred to were almost certainly from 'Richard's castle' in Hereford.⁵⁰ Herefordshire at this time and probably since 1047 was governed by Ralf, the son of Edward's sister Godgifu and her first husband Drogo, count of Mantes.⁵¹ It is not inconceivable that the

⁴⁵ MSS. D and E, *Anglo-Saxon Chronicle*, pp. 116-121.

⁴⁶ While the outbreak of violence at Dover provoked Godwine to call up his followers in what rapidly developed into an armed revolt against Edward, few historians have questioned the view that the earl's real anger was directed against the king's pro-Norman policy; see above nn. 11, 12.

⁴⁷ MS. E, *Anglo-Saxon Chronicle*, p. 119; Florence of Worcester, 1. 205-206.

⁴⁸ Between 1035 and 1047 the chronicles record only one Welsh incursion into England, that in 1039. Earl Godwine's eldest son Swegen, appointed to an earldom in 1043 that included Herefordshire, led an attack on southern Wales in conjunction with Griffith ap Llewelyn, king of northern Wales, in 1046, suggesting that a reconciliation had taken place between that monarch and the English court (MS. C, *Anglo-Saxon Chronicle*, p. 109).

⁴⁹ *ibid.*, MS. C, p. 122.

⁵⁰ Stenton, *Anglo-Saxon England*, p. 562 and n. 1; Barlow, *Edward the Confessor*, p. 94.

⁵¹ Ralf, who first appears in Edward's charters as *dux* in 1050, was probably provided an earldom at the time of the expulsion of Earl Godwine's eldest son in 1047 for the abduction and seduction of the abbess of Leominster; *Edward the Confessor*, p. 93 and n. 4. 'He was given Herefordshire to hold as an outpost against the Welsh, and in reorganizing its defences, introduced some French

stigma of defeat fell, at least in part, on Ralf and his 'Frenchmen'. This would have been all the more likely if, as seems to have been the case, Ralf held the region in 1049 when a similar defeat was administered to the English by a force of Irish pirates and Welshmen under the command of Griffith ap Rhydderch, king of South Wales.⁵² The martial performance of Edward's nephew, who was subsequently to gain the nickname of 'the Timid' as a result of his haste in leaving the field of battle in the course of yet another clash with the Welsh, could hardly have impressed the English.⁵³

When, in the fall of 1052, Godwine, together with his sons Harold and Leofwine, landed in southern England they were able to entice 'all the local people to their side, both along the sea-coast and inland too'.⁵⁴ This might have been anticipated, for the region had long been under the earl of Wessex's administration. What is more significant is the fact that King Edward, clearly desiring to resist Godwine, was unable to obtain the backing of those nobles who had previously come to his aid. It is not necessary to assume, as did E. A. Freeman, that the earl's restoration stemmed from the fact that 'Englishmen had learned what it was to be without him'.⁵⁵ It is doubtful that the suspicions and jealousies of the other great lords toward him had been allayed. No more satisfactory was Professor Bertie Wilkinson's 'constitutional' interpretation

military customs. Castles, presumably of the ring-work (ditch and palisade) type, were constructed; one in the north, Richard's castle, was named after Richard fitz-Scrob, and another, in the south-west, was called first Pentecost's castle after Osbern Pentecost and then Ewias Harold after Earl Ralf's son. In 1052 a castellan named Hugh was also in this area; and Ralf himself may possibly have had a castle beside the city. The new earl and his captains also began to train their English soldiers to fight as cavalry, like the French'; *ibid.*, p. 94. Stenton spoke of him as having been 'the real founder of the Norman system of organized castle-building which under the Norman kings made Herefordshire a principal bulwark of the Midlands against assault from Wales'; *Anglo-Saxon England*, p. 570. If Ralf were ever given any consideration as a possible candidate for the English throne, as Professor Barlow seems to imply (*Edward the Confessor*, pp. 109, 219) there is no word of it in the sources. His death in 1057 terminated any personal aspirations he may have had.

⁵² MS. D, *Anglo-Saxon Chronicle*, p. 114.

⁵³ Florence of Worcester, 1. 211. There is perhaps a hint of irritation for Earl Ralf and his Frenchmen to be seen in the chronicles for his having forced Englishmen to fight on horseback, 'against custom', in an engagement with the Welsh in 1055, a Continental tactic which proved unsuitable for the terrain of the border country: *ibid.*; MS. C, *Anglo-Saxon Chronicle*, p. 130. That the raids of the Welsh were an issue at the English court at this time is seen in the fact that at the Christmas gemot of 1052 Edward called for the elimination of Rhys, the brother of King Griffith ap Rhydderch, for his depredations. His head was presented to the English king on 5 January 1053: *ibid.*, MS. D, p. 127.

⁵⁴ *ibid.*, MSS. C and D, p. 123.

⁵⁵ *Norman Conquest* 2. 157. As Professor Wilkinson observed, 'What, precisely, would Freeman have suggested that they had learned?'; 'Freeman and the Crisis of 1051', 386, n. 1.

that the earl's return represented a 'triumph of the nation and the law over the personal vindictiveness of an angry and irresponsible king.'⁵⁶ It was the same men who, through their support of the 'angry and irresponsible king' in 1051, had driven Godwine into exile, allowed him to return in 1052. What, in fact, had in all likelihood occurred was that in the course of the intervening months a series of events had served to weaken these men's belief that Duke William of Normandy was the best choice as the Confessor's heir.

That their disenchantment with the Norman was the consequence of any single development is unlikely, although it is difficult not to conclude that the serious domestic rebellion against him, combined with the external threats which endangered his very hold on his duchy, would have provided them ample reason to reconsider their earlier decision regarding the succession. Having previously given evidence of being one of the rising young princes of northwestern Europe, by the summer of 1052 his future was in serious doubt. The animosity of the French throne, once William's strongest ally, and of the papacy would only have served to enhance their doubts.

Raising further questions in their minds would have been the conduct of Normans and 'Frenchmen' within England, men who 'promoted injustices and passed unjust judgements and [had] given bad counsel.' It had been the arrogant behaviour of men of Boulogne at Dover that had sparked Earl Godwine's revolt against the king in 1051: even though those nobles who had at that time stood in opposition to the earl of Wessex's violent outburst probably continued to be concerned over his and his family's personal ambitions, real or imagined, the irritating actions of these 'foreigners' would have tended to temper their commitment to the projected union of England and Normandy. Confronted, at the time of Godwine's armed return, with the apparent alternatives of civil conflict or renunciation of Duke William, they clearly chose the latter course of action. In addition, other factors may well have influenced their decision. The military defeat suffered by the 'Frenchmen' of 'Richard's castle' in Herefordshire probably contributed to their disaffection with the accord they had but recently struck with the Norman duke. It is possible, too, that the deepening conflict between Sweyn of Denmark and King Harald of Norway was seen as

⁵⁶ *ibid.*, 387. Even if one accepts the theory that the nobles felt that Earl Godwine's punishment had been too harsh, this does not explain why they should have linked his restoration with the rejection of Duke William's succession.

lessening the threat to England from that direction — allowing, of course, that the Anglo-Saxon court pursued a careful policy of neutrality toward both contestants in that struggle.

There is seemingly no way of ascertaining when the English learned that Edward the Atheling was alive and living in Hungary. It is, it must be conceded, difficult to believe that that fact had remained unknown to them for more than three decades after his exile from England. If his existence were known in 1051, it is probable he had little support within a country he had known only as an infant. It seems evident, however, that in 1052 the magnates of England, once having determined unilaterally to abrogate the Anglo-Norman alliance, saw in him a suitable compromise candidate as Edward's successor. That Duke William's succession was rejected with Godwine's triumph was clearly demonstrated when, in 1054, Bishop Aldred was dispatched to the Continent to negotiate the return of the Atheling Edward to his native land to have him named the Confessor's heir. While more than a year passed between the return of Godwine and the mission of the bishop, a year which saw the death of the West Saxon earl, it is not implausible to conclude that it was during those months that the issue was debated at the English court and, a decision having been reached, perhaps preliminary negotiations entered into with the atheling.

The atheling, following protracted negotiations, returned to England with his family in 1057. Seemingly within a matter of days he died. With his death the efforts of the English court to resolve the succession question were again frustrated and a new phase of that crisis was opened, one that was to reach its culmination upon the battlefield of Hastings.

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BEOWULF ON THE POET

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IN recent years many literary studies of Old English poetry have appeared in print; scholars tend no longer to treat the extant poems exclusively as artifacts of value to the philologist or social historian. As more and more literary criticism is published, it is perhaps surprising to note that comparatively little has been written about the poet in Anglo-Saxon England. Anderson's M. A. thesis on the *scop* is the only full-length study of the poet, although a number of short articles have concentrated on the *scop* and aspects of his tradition.¹ The scholarly debate generated by Francis Magoun's assertion of the relevance to Anglo-Saxon studies of the research of Milman Parry into Southslavic epic has led to a detailed investigation of the diction of Old English poetry,² but relatively little attention has been paid in Anglo-Saxon studies to the

¹ L. F. Anderson, *The Anglo-Saxon Scop* (Toronto, 1902); W. H. French, 'Widsith and the Scop', *Publications of the Modern Language Association of America* 60 (1945) 623-30; Francis P. Magoun, Jr., 'Bede's Story of Cædman: The Case History of an Anglo-Saxon Oral Singer', *Speculum* 30 (1955) 49-63; R. P. Creed, 'The Singer Looks at His Sources', *Comparative Literature* 14 (1962) 44-52; Creed, 'Afterword' in Burton Raffel, trans., *Beowulf* (New York, 1963); N. E. Eliason, 'The *Þyle* and *Scop* in *Beowulf*', *Speculum* 38 (1963) 267-84; Eliason, 'Two Old English Scop Poems', *Publications of the Modern Language Association of America* 81 (1966) 185-92; Morton W. Bloomfield, 'Understanding Old English Poetry', *Annuaire mediaevale* 9 (1968) 5-25; Eliason, 'Deor — A Begging Poem?' in *Medieval Literature and Civilization: Studies in Memory of G. N. Garmonsway*, ed. D. A. Pearsall and R. A. Waldron (London, 1969); J. Opland, 'Scop and Imbongi: Anglo-Saxon and Bantu Oral Poets', *English Studies in Africa* 14 (1971) 161-78.

² See *The Making of Homeric Verse: The Collected Papers of Milman Parry*, ed. Adam Parry (Oxford, 1970). Magoun's initial article was 'The Oral-Formulaic Character of Anglo-Saxon Narrative Poetry', *Speculum* 28 (1953) 446-67. The subsequent discussion in Anglo-Saxon studies, which has tended to concentrate on the formulas and themes of the poetry, is summarised in Ann Chalmers Watts, *The Lyre and the Harp: A Comparative Reconsideration of Oral Tradition in Homer and Old English Epic Poetry* (New Haven - London, 1969).

oral singer himself. It is still true to say that the history of the poet in Anglo-Saxon society has yet to be written — the story of the changes that the poet and his tradition underwent as the continental warrior-bands became chiefdoms, as the chiefdoms became kingdoms and the kingdoms became England, as the Anglo-Saxons were converted to Christianity, as their poets came into contact with Celtic bards and Norse skalds. When it is written, such a history will have to make use of the study of analogous living traditions like the Southslavic, but it must avoid the methodological error of assuming a one-to-one correspondence between oral poetic traditions like the Southslavic and the Anglo-Saxon; it must not force the facts of one tradition on those of another, as Magoun unfortunately tended to do.³ The study of analogous literatures can provide information only at the secondary level, data that must be used with care by the literary historian; the primary material for the study of the poet in Anglo-Saxon society remains the writings in Old English and Latin that survive from the Anglo-Saxon period. Of these extant writings, the heroic poem *Beowulf* has proved to be the principal source for all studies of the Anglo-Saxon poet. Unfortunately, scholars have tended to take at face value all the information the poem seems to yield, frequently allowing the testimony of this single source to weigh against the testimony from all other primary sources of information. In this article I propose to assess those passages in *Beowulf* that deal with poets and poetry in an attempt to determine what can reasonably be deduced from them.

Beowulf is an attractive source of information on the poet in Anglo-Saxon England, because it contains many passages describing various poetic activities. However, certain aspects of these descriptions are unique to *Beowulf*; accordingly, their testimony must as far as possible be evaluated in the context of similar references elsewhere in the Old English or Anglo-Latin corpus, or even in the context of practices in

³ See, for example, Magoun's awkward treatment of Cynewulf in his 1953 article: Cynewulf is manifestly literate, but his poetry is formulaic and hence was composed by an illiterate oral poet, so Cynewulf must have dictated his poetry to himself or to someone else to produce an oral dictated text. Cf. Watts's comments in summary: 'The "Cynewulf problem" can be looked upon as symptomatic of the too great lengths to which Magoun and others have applied the Parry-Lord thesis to Old English poetry. In a more restrained form, Magoun's thesis is essential and revealing; pushed to its present extent, it becomes unnecessary and somewhat obstructive. The thesis has directed a needed emphasis upon the formulaic diction of Old English poems and upon the oral origin of poetic formulae; thus far the thesis is sound, but where it reaches farther, it overreaches. It overreaches at both ends, as it were, in the translation of a workable theory for one literature to another and in the application of the theory so translated' (p. 195).

analogous literatures. In the first place, allowance must be made for the poetic medium through which the information is transmitted; for a number of reasons, poetry might be less reliable than prose as evidence of social activity. (1) Our interpretation of Old English poetry is often influenced by the editor's treatment of the text or by the lexicographer's glossing of words in the text⁴ both of which in turn occasionally depend on their interpretation of what the text means. (2) As a result of the metrical or alliterative demands of his tradition, the poet may have had on occasion to choose a less precise word than the writer of prose could choose. (3) In assessing the evidence of poetry about poetic activity one might have to make allowances for the conventional diction of the tradition, which may, for example, retain descriptions of objects or practices long after they have ceased to be current. The last two points are touched upon by Albert Lord when he writes of oral poetic style:

It is certainly possible that a formula that entered the poetry because its acoustic patterns emphasized by repetition a potent word or idea was kept after the peculiar potency which it symbolized and which one might say it even was intended to make effective was lost — kept because the fragrance of its past importance still clung vaguely to it and kept also because it was now useful in composition. It is *then* that the repeated phrases, hitherto a driving force in the direction of accomplishment of those blessings to be conferred by the story in song, began to lose their precision through frequent use. Meaning in them became vestigial, connotative rather than denotative.⁵

All this is complicated by the fact that most Old English poetry is neither dated nor datable, so that a literary chronology cannot be established. Furthermore, most of the poetry as it survives was almost certainly transcribed by clerics and quite possibly was composed by clerics and as such participates in a tradition significantly different from the pre-Christian oral tradition. It might be argued, however, that no one is more informed about the poetic tradition than the poet himself, but students of oral literatures have noted that the poets are themselves curiously lacking in objective knowledge of their traditions; one might accept as accurate their poetic descriptions of the occasions for poetry,

⁴ See Fred C. Robinson, 'Lexicography and Literary Criticism: A Caveat' in *Philological Essays in Honour of Herbert Dean Merritt*, ed. James L. Rosier (The Hague, 1970), pp. 99-110, an indispensable article for the study of Old English.

⁵ *The Singer of Tales* (1960; rpt. New York, 1965), p. 65.

for example, since they are themselves members of the community, but one might have to be more cautious with passages that refer to the process of composition. And so, however attractive *Beowulf* might be as a source of information about poets and poetry, its evidence should not simply be accepted at face value. There are other sources of information, such as the Old English glosses, which offer the scholar the advantages of ascertainable chronology and semantic context, and *all* these extant sources ought to be taken into account in any detailed treatment of the English poet before the Norman Conquest.

With all these considerations in mind, let us now proceed to an assessment of those passages in *Beowulf* that provide us with information about the poet and his tradition. First, I shall examine those passages that describe the poet performing in Heorot in order to relate them to the traditional poetic theme of joy in the hall. Next, all the passages in the poem that seem to describe poetic activity will be considered from a textual point of view in an attempt to assess the evidence they furnish, and this will lead finally to a discussion of the nature of the Anglo-Saxon poetic tradition.

THE THEME OF JOY IN THE HALL

On three occasions in *Beowulf*⁶ a poet performs in Heorot. The first is a generalised depiction of joy in the hall, the sound of which arouses Grendel:

... þæt he dogora gehwam dream gehyrde
hludne in healle; þær wæs hearpan sweg,
90 swutol sang scopes. Sægde se þe cuþe
frumsceaft fira feorran reccan ...

This passage is clearly intended to suggest the joy in the hall, for after the paraphrase of the performance the poet stresses that it is this joy that enrages Grendel:

Swa ða drihtguman dreamum lifdon
100 eadiglice, oððæt an ongan
fyrene fre[m]man feond on helle.

⁶ Quotations from *Beowulf* and all other Old English poems are taken from *The Anglo-Saxon Poetic Records*, ed. G. P. Krapp and E. V. K. Dobbie, 6 vols. (New York, 1937-53), abbreviated *ASPR*.

The second passage describes the joy in Heorot on Beowulf's arrival:

Scop hwilum sang
 hador on Heorote. Ðær wæs hæleda dream,
 498 duguð unlytel Dena ond Wedera.

Thirdly, after Beowulf's conquest of Grendel:

Ðær wæs sang ond sweg samod ætgædere
 fore Healfdenes hildewisan,
 1065 gomenwudu greted, gid oft wrecen,
 ðonne healgamen Hroþgares scop
 æfter medobence mænan scolde
 be Finnes eaferum...

And at the end of the Finn episode:

Leoð wæs asungen,
 1160 gleomannes gyd. Gamen eft astah,
 beorhtode bencsweg...

There is a consistency in the verbal elements of which these passages are composed, and these elements recur in the fourth depiction of poetry in Heorot, though this passage differs in tone from the first three. In his report to Hygelac, Beowulf describes the scene in the hall after he had killed Grendel:

2105 Ðær wæs gid ond gleo. Gomela Scilding,
 fela fricgende, feorran rehte;
 hwilum hildedeor hearpan wynne,
 gomenwudu grette, hwilum gyd awræc
 soð ond sarlic, hwilum syllic spell
 2110 rehte æfter rihte rumheort cyning.
 Hwilum eft ongan, eldo gebunden,
 gomel guðwiga gioguðe cwiðan,
 hildestrengo; hreðer [in]ne weoll,
 þonne he wintrum frod worn gemunde.

The first three passages depict unqualified joy in the hall, and the fourth uses elements that have occurred in the first three to connote that joy, although this time it is not unqualified. A group of words recurs in these passages as follows:

88-91	dream			sang(n)	sweg	hearpan	scopes
496- 8	dream			sang(v)			scop
1063- 8	}	gomenwudu		gid	sang(n)	sweg (gomenwudu)	scop
		healgamen					
1159-61		gamen	gleomannes	gyd	asungen(v)	bencsweg	
2105-10		gomenwudu	gleo	gid			hearpan
				gyd			

In addition, all four passages are linked by the use of the same formula *Ðær wæs hearpan sweg* (89), *Ðær wæs hæleda dream* (497), *Ðær wæs sang ond sweg* (1063), and *Ðær wæs gid ond gleo* (2105). Drawing on the work of Parry and Lord, Donald K. Fry has defined a theme in Old English poetry as 'a recurring concatenation of details and ideas, not restricted to a specific event, verbatim repetition, or certain formulas, which forms an underlying structure for an action or description.' What we are dealing with here is the theme of joy in the hall, which the *Beowulf* poet establishes for his audience in these passages.⁷ The theme consists of a concatenation of details depicting joy (*dream*, *gamen*, *gleo*), music (*gid* (?), *sang*, *sweg*), the harp (*hearpe*), and a poet (*scop*). How does the poet make use of this theme within his poem? In what form does the theme occur in other Old English poems?

The terms 'formula' and 'theme' as applied to traditional narrative poetry derive from the research of Milman Parry and Albert Lord. Lord notes that the traditional themes have a strong suggestive quality: in *The Singer of Tales* he writes:

Each theme, small or large — one might even say, each formula — has around it an aura of meaning which has been put there by all the contexts in which it has occurred in the past. It is the meaning that has been given it by the tradition in its creativeness. To any given poet at any given time, this meaning involves all the occasions on which he has used the theme, especially those contexts in which he uses it most frequently; it involves also all the occasions on which he has heard it used by others, particularly by those singers whom he first heard in his youth, or by great singers later by whom he was impressed. To the audience the meaning of the theme involves its own experience of it as well. The communication of this supra-meaning is possible because of the community of experience of poet and audience. (p. 148)

Three occurrences of the theme of joy in the hall while *Beowulf* is in Denmark establish that theme for the audience through the use of a set of verbal elements. It seems reasonable to suppose that further com-

⁷ See Donald K. Fry, 'Old English Formulas and Systems', *English Studies* 48 (1967) 193-204, and 'Old English Formulaic Themes and Type-Scenes', *Neophilologus* 62 (1968) 48-54. Fry's definition of an Old English formula is 'a group of words, one half-line in length, which shows evidence of being the direct product of a formulaic system', the system in the case of the formulas quoted here being *Ðær wæs* noun × noun. The hall in general is treated in Kathryn Hume, 'The Concept of the Hall in Old English Poetry', *Anglo-Saxon England* 3 (1974) 63-74, which shows that 'the core-conceits in the hall-cluster are, then, gift-giving, loyalty and *wynn* on the one hand, and strife, storm and the anti-hall on the other' (p. 68).

pressed concatenations of these elements would suggest to the audience the theme and its connotation of joy. An examination of the use of the theme within the poem supports this conclusion and suggests that the poet is conscious of the suggestive qualities of the traditional themes he employs.

It is somewhat surprising that the theme does not occur in the poet's description of the joy in Heorot after Beowulf's defeat of Grendel's mother. This scene is curiously off-key, containing as it does Hrothgar's sermon to Beowulf; it is an unsettling passage because of the absence of what one has come to expect, and it sets the mood for the rest of the poem. Beowulf returns to Hygelac and recounts his adventures, but his description of the scene in Heorot after his defeat of Grendel (2105-14) differs from the original description by the poet (1063-8, 1159-61). There are enough elements in common to allow us to suppose that the former passage would suggest to the audience the latter (as well as the two preceding occurrences of the same theme), but the connotation of joy that has formerly been established is now jarred. There is once again *gid* and *gleo*, *hearpe* and *gomenwudu*, but this time the *gid* is *soð ond sarlic*, and the mood of the *gomel guðwiga* is pensive as he reflects on his past years. The difference in mood between this passage and its original in 1064ff. sets the tone for the downward movement of Beowulf's fortunes. This view gains support from an examination of further references to the harp in the poem. Just 150 lines after Beowulf's description of the scene in Heorot, the last survivor utters his lament:

'... Næs *hearpan* wyn,
 gomen gleobeames, ne god hafoc
 geond sæl swingeð, ne se swifta mearh
 2265 burhstede beateð. Bealocwealm hafað
 fela feorhcynna forð onsended!'

Later, in the course of Beowulf's reflections before he engages the dragon, he talks of the old man gazing at his son's deserted dwellings:

Ridend swefað,
 hæleð in hoðman; nis þær *hearpan sweg*,
 2459 *gomen* in geardum, swylce ðær iu wæron.⁸

⁸ Hume (see previous note) comments: 'In real life, a son's being hanged would not terminate all harp-song, all "*gomen in geardum*" for ever, but declaring them missing is simply the negation of a hall feature, the creation of an anti-hall...' (pp. 70f.).

After Beowulf's death, slavery and subjugation threaten the Geatish woman who

... sceal geomormod, golde bereafod,
 oft nalles æne elland tredan,
 3020 nu se herewisa hleahtor alegde,
 gomen ond gleodream. Forðon sceall gar wesan
 monig, morgenceald, mundum bewunden,
 hæfen on handa, nalles *hearpan sweg*
 wigend weccan, ac se wonna hrefn
 3025 fus ofer fægum fela reordian ...

The poet has established a theme that consists of a concatenation of details depicting joy, music, the harp, and a poet.⁹ At least three elements that make up this theme occur in each of the last three passages quoted. To complete the table:

89-91	dream			sang(n)	sweg	hearpan	scopes
496- 8	dream			sang(v)			scop
1063- 8	}	gomenwudu	gid	sang(n)	sweg	(gomenwudu)	scop
1159-61		healgamen					
		gamen	gleomannes	gyd	asungen(v)	bencsweg	
			gid				
2105-10		gomenwudu	gleo	gyd		hearpan	
2262- 5		gomen	gleobeames			hearpan	
2457- 9		gomen			sweg	hearpan	
3020- 4	(gleo)dream	gomen	gleo(dream)		sweg	hearpan	

Just as the first four passages were linked by a formula denoting the presence of joy or music, so too the last three passages are linked by the same formula denoting their absence: *Næs hearpan wyn* (262), *nis þær hearpan sweg* (2458), and *nalles hearpan sweg* (3023). There is a symmetry in the occurrence of the theme: the first three passages in the table above depict unqualified joy, the next passage depicts qualified joy, and the last three passages depict the absence of joy. In Denmark Beowulf is triumphant, and there is joy and music in the hall; in Geatland he lays aside *hleahtor*, *gamen ond gleodream* (3021), and the harp is silent. The pivot between these two modes of joy and sorrow is Beowulf's report to Hygelac (*in Geatland about Denmark*) in the course of which the theme of joy in the hall is employed but qualified with suggestions of sadness and old age.

⁹ It is worth noting in this context that *gomenwudu* (2108) occurs only in *Beowulf* and *gleodream* (3021) is a hapax legomenon. This may indicate that the *Beowulf* poet consciously introduced into these passages verbal elements suggestive of the whole theme, and this may in turn have relevance to his use of the word *gleoman* (1160): see p. 455 below.

The last passage quoted above is particularly dense in traditional themes that are heavily connotative of disaster: apart from the negation of the theme of joy in the hall, there are also the formulas associated with the theme of exile (3018-9) and the theme of the beasts of battle (3024ff.).¹⁰ Of the four groups of formulas expressing the traditional theme of exile that Stanley Greenfield drew attention to, three occur here: *geomormod* (expressing state of mind), *golde bereafod* (deprivation), and *oft nalles æne elland tredan* (repeated movement in exile). Adrien Bonjour discussed the suggestions of disaster occasioned in certain Old English poems by the three carrion beasts, the raven, the eagle, and the wolf, which fed on the slaughtered warriors after a battle, in order to demonstrate the *Beowulf* poet's artistic restraint in choosing to introduce the traditional theme only once in his poem. Commenting on the last passage quoted above, Bonjour writes: 'For the *Beowulf* scop, on the other hand [as opposed to Cynewulf], to have used it [the theme of the beasts of battle] in a prophetic anticipation of the tragic destiny of a whole nation, as a symbol for the ultimate triumph of death, further, to have used it in a moving opposition to the motive of music and the harp as a symbol of life and rejoicings — a motive already applied elsewhere in the poem with rare success as a foil to the powers of darkness — really gives us a measure of his art in turning a highly conventional theme into a thing of arresting beauty and originality. If ever one can speak of the alchemy of genius it is here' (p. 571). It is evident not only that the *Beowulf* poet was aware of the existence of traditional themes, but also that he knew how to manipulate their highly suggestive qualities, their 'auras of meaning', to his own artistic advantage.

If one now turns to other Old English poems for examples of a similar concatenation of words, one finds that the ideas of music and joy are occasionally linked, as in *Guthlac*:

Engla preatas
 1315 sigeleoð *sungon*, *sweg* wæs on lyfte
 gehyred under heofonum, haligra *dream*.
 Swa se burgstede wæs blissum gefylled ...

More common is the association of the harp and joy. *Gleobeam* occurs as a variation of *hearpe* in *Christ* 670 and *Gifts of Men* 50, the harp occurs in a passage that also mentions *gleo* (*gliw*) in *Maxims I* 165-71, and there is a

¹⁰ See Stanley Greenfield, 'The Formulaic Expression of the Theme of "Exile" in Anglo-Saxon Poetry', *Speculum* 30 (1955) 200-6, and Adrien Bonjour, 'Beowulf and the Beasts of Battle', *Publications of the Modern Language Association of America* 72 (1957) 563-73.

collocation of *hearpe* and *gomen* in *The Riming Poem* 24-9. The association of the harp with joy would seem to be traditional in Old English poetry, since the poet of the *Seafarer*, like the *Beowulf* poet, can use the absence of the harp to connote the absence of joy:

Ne biþ him to hearpan hyge ne to hringþege,
 45 ne to wife wyn ne to worulde hyht,
 ne ymbe owiht elles, nefne ymb yða gewealc,
 ac a hafað longunge se þe on lagu fundað.

Apart from these brief passages, it is only in the *Phoenix* that we find an extended passage that collocates many of the verbal elements that the *Beowulf* poet uses. The passage is interesting because it brings in many of the words used to describe the joy and music in Heorot even though there are neither human singers nor a hall here. The traditional association of these words might be argued for by the fact that the *Phoenix* poet employed them here in a long set piece even though they do not appear in 'the Latin poem that he is translating: the poet introduces them here, as Larry Benson argued in discussing the diction of the *Phoenix* and the *Meters of Boethius*, because they were traditional.¹¹ The passage describes the bird's song at daybreak:

120 Sona swa seo sunne sealte streamas
 hea oferhlifað, swa se haswa fugel
 beorht of þæs bearwes beame gewiteð,
 fareð feþrum snell flyhte on lyfte,
 swinsað ond *singeð* swegle toheanes.
 125 Ðonne bið swa fæger fugles gebæru,
 onbryrðed breostsefa blissum remig;
 wrixleð woðcræfte, wundorlicor
 beorhtan reorde þonne æfre byre monnes
 hyrde under heofonum, sippan Heahcýning,
 130 wuldres Wyrhta woruld stapelode,
 heofon ond eorþan. Biþ þæs hleoðres *sweg*
 eallum *songcræftum* swetra ond wlitigra
 ond wynsumra wrenca gehwylcum;
 ne magon þam breahtrne byman ne hornas
 135 ne *hearpan* hlyn ne hælepa stefn
 ænges on eorþan ne organan,
 swegleopres geswin ne swanes fedre

¹¹ Larry D. Benson, 'The Literary Character of Anglo-Saxon Formulaic Poetry', *Publications of the Modern Language Association of America* 81 (1966) 334-41.

ne ænig þara *dreama* þe Dryhten gescop
 gumum to *gliwe* in þas geomran woruld.
 140 *Singeð* swa ond swinsað sælum geblissad
 oppæt seo sunne on suðrodor
 sæged weorpeð.¹²

In *Beowulf*, then, a group of eight words referring to joy, music, a harp, and a poet occurs in seven passages in the poem. Other Old English poems associate music with joy and the harp with joy; the *Phoenix* contains a passage that associates music, joy, and the harp. The *Beowulf* poet's depiction of joy in the hall is unique in Anglo-Saxon literature: no other poem associates the *scop* with any of the other traditional elements. In no other poem is the *scop* associated with music: in all the extant writings from Anglo-Saxon England, it is only in this poem that the *scop* is associated with music, joy, or a harp.¹³

In his discussion of the theme of exile, Stanley Greenfield wrote:

A highly stylized poetry like Anglo-Saxon, with its many formulas and presumably many verbal conventions, has certain advantages in comparison with a less traditional type of poetry. The most notable advantage is that the very traditions it employs lend extra-emotional meaning to in-

¹² Lactantius's Latin poem reads in part:

tollitur ac summo considit in arboris altæ
 uertice, quæ totum despicit una nemus,
 et conuersa nouos Phœbi nascentis ad ortus
 expectat radios et iubar exoriens.
 atque ubi Sol pepulit fulgentis limina portæ
 et primi emicuit luminis aura leuis,
 incipit illa sacri modulamina fundere cantus
 et mira lucem uoce ciere nouam;
 quam nec ædoniæ uoces nec tibia possit
 musica Ciriæ adsimulare modis,
 et neque olor moriens imitari posse putetur
 nec Cylleneæ fila canora lyrae.
 postquam Phœbus equos in aperta effudit Olympi
 atque orbem totum protulit usque means...

¹³ It is true that a gloss in the supplement to Ælfric's Grammar equates *lyricus* with *scop* and that British Library Harley 3376 has 'Comicus. siue est qui comedia scribit. cantator. uel artifex con-ticorum seculorum. idem satyricus. .i. *scop. ioculator. poeta', but although *lyricus* is etymologically associated with a lyre, it is not possible to say whether or not the use of the word implies musical accompaniment to the poetry, and Harley 3376 is late (dated to the beginning of the eleventh century by Neil Ker: see *The Harley Latin-Old English Glossary*, ed. Robert T. Oliphant, The Hague and Paris, 1966), and may indicate a change in the *scop*'s tradition: see p. 466 below. In a paper entitled 'The *Scop* and the Harp' read to the Tenth Conference on Medieval Studies held at Kalamazoo 4-7 May 1975, I argued that the *scop* was probably not to be identified with the *gleoman* before the ninth century.

dividual words and phrases. That is, the associations with other contexts using a similar formula will inevitably color a particular instance of a formula so that a whole host of overtones springs into action to support the aesthetic response. ... The chief disadvantage of a conventional poetry is that its very virtue, the extra-emotional meanings, may supplant the denotation that should inhere in a specific situation, and the words and phrases become 'conventional' in the pejorative sense of the word. (p. 206)

The *Beowulf* poet establishes 'extra-emotional meanings' that resonate between the words he collocates, so that the use of some of those words suggests the whole theme. The passages in the poem describing joy in the hall are conventional, and the poet seems to have manipulated their traditional aura of meaning to his artistic advantage. One should accordingly be wary of using these passages as evidence of social practices current in Anglo-Saxon times. If their evidence is corroborated from other sources, well and good; but if they afford evidence in conflict with that of other sources, then there would seem to be a valid argument in favour of rejecting their testimony.

REFERENCES TO POETRY

Let us now consider those passages in *Beowulf* that seem to refer to poetic activity. Three depict the *scop* in the hall, and have already been quoted. The first, 96ff., demonstrates the kind of problem that confronts the social historian trying to use Anglo-Saxon poetry as evidence. The clause *þær wæs hearpan sweg, swutol sang scopes* could mean that the sounds of the harp and of the *scop* were simultaneous if the second half-line is taken as a notional variation of the first, or it could mean that there were in the hall two separate things, the sound of the harp and the sound of the *scop* if the second half-line is a syntactic variation of the first. Nor can we say with certainty whether or not the *scop* is *se þe cūþe*, the knowledgeable man who told (*sægde*) the story of the creation. Indeed, the account of the creation could be a prose narrative and not a poem or a song at all. Time and again, when one examines passages of poetry in detail an unambiguous interpretation recedes into a haze of doubt and uncertainty. This passage could mean that Grendel was disturbed by the noise of revelry in the hall, that the *scop* playing a harp to accompany his poetry contributed to the revelry, and that an example of one of his poems is an account of the creation; but the passage could equally well mean that there was a harper and a poet in Heorot

and that these were not the same men although their performances contributed to the *dream*, and that there was a third individual, a learned man who paraphrased the biblical narratives.

The second passage, 496-8, reveals little except that the *scop* performed from time to time in the hall during the serving of beer. The arrival of the Geats may have provided a particularly opportune occasion for his performance, but we are not explicitly told so. The *scop*'s voice is clear (*hador*), and there is no mention this time of musical accompaniment.

The third passage, 1063ff., presents the Finn episode.¹⁴ There is once again music in the hall (*sang ond sweg*), and the harp is played from time to time. As quoted, the passage would seem to suggest that the performance on the *gomenwudu* is simultaneous with the frequent production of a *gid* (1065) and that one example of such a *gid* is the Finn episode. This interpretation is valid if *ðonne* (1066) is taken to be a temporal subordinating conjunction. But the editorial punctuation depends on the editor's acceptance of this interpretation. If, for example, the editor had reason to believe that the Anglo-Saxon *scop* did not play a harp, he could equally well have a period at the end of 1065 and start a new sentence with *Ðonne*, which then becomes an adverb. This reading, however, seems to be unlikely in view of the fact that the *scop* of 1066 is clearly the *gleoman* of 1160, and that the Finn episode is the *leoð* and *gyd* of 1159 and 1160 and is therefore likely to be the *gid* of 1065. One could argue that a hundred lines separate the mention of the *scop* and the *gleoman* and that the poet was not aware that he had a *gleoman* complete what a *scop* began, but this is unconvincing. It must be accepted as reasonable that for the *Beowulf* poet a *scop* was the same as a *gleoman* and that it may well be unreasonable to argue against this fact. Nevertheless, certain observations must be taken into consideration.⁽¹⁾ There is evidence that in the early period of Anglo-Saxon England the *scop* and the *gleoman* were distinct in social function, the *scop* being a respected member of the community identified with classical poets and Old Testament prophets, and the *gleoman* being a wandering entertainer associated with the offshoots of the Roman theatre.¹⁵ (2) This is the only

¹⁴ The most recent discussion of this passage appears in *Finnsburh: Fragment and Episode*, ed. Donald K. Fry (London, 1974); see esp. pp. 12-13 and p. 37.

¹⁵ See J. D. A. Ogilvy, 'Mimi, Scurrae, Histriones: Entertainers of the Early Middle Ages', *Speculum* 38 (1963) 603-19 and more recently Richard Axton, *European Drama of the Early Middle Ages* (London, 1974), esp. chap. 1.

occurrence of the word *gleoman* in the poem, and it carries alliteration. (3) Furthermore, we have seen that the *Beowulf* poet is in this passage employing elements of a traditional theme connoting joy in the hall, and that in no other use of the theme in Old English poetry does the *scop* appear, although *gleo* is a fairly common ingredient: it may be that the use of *gleoman* in 1160 was dictated more by a desire to introduce the suggestive element *gleo* into the theme (as in 2105, 2263, and 3021) than by a respect for sociological veracity. The issue is complicated by the fact that the poem cannot be dated; all that can be said with some measure of certainty is that the version in which we have it was written in or about the year 1000 A. D. By that time in the history of Anglo-Saxon England the poetic tradition might well have altered to the extent that the traditions of the *scop* and the *gleoman*, perhaps originally two distinct figures in society, had merged, so that the *Beowulf* poet might be equating the two because he wrote at a time when there was no longer any meaningful distinction between them. Whatever the truth of the matter, one must reasonably conclude that for the *Beowulf* poet *scop* was equivalent to *gleoman*, and that the Finn episode was a song performed by this man to the accompaniment of a harp; yet one must at the same time note the unique character of this evidence, and accept as a rider the possibility that the evidence may not be as conclusive as it seems.

These three passages are the only occasions on which a *scop* is mentioned, but there is one more reference to song or poetry in the hall, 2105-14 quoted above. Once again editorial punctuation can affect interpretation and the technique of variation confuses the issue. Dobbie's punctuation in *ASPR* implies that *gomela Scilding* (2105) is the same as *rumheort cyning* (2110), Hrothgar, who plays a harp, since 2105 to 2110 is one sentence. The *gomel gudwiga* of 2112 belongs to a sentence running from 2111 to 2114, and one may infer that he is not the same person as the *gomela Scilding* since each is associated with a different *hwilum* clause. Klaeber¹⁶ has 2105 to 2114 as one sentence, suggesting that all the actions describe the same activity. Thus Klaeber's punctuation would suggest that Hrothgar plays the harp to accompany his meditations on old age (all this is *gid ond gleo*) whereas Dobbie's punctuation would seem to have Hrothgar at times playing the harp and singing while at other times an old warrior speaks about his youth

¹⁶ *Beowulf and the Fight at Finnsburg*, ed. Fr. Klaeber, 3rd ed. (Boston, 1950).

(*gioguðe cwiðan*).¹⁷ A comparison of two recent translations demonstrates how obscure the passage really is. Talbot Donaldson¹⁸ translates as follows:

There was song and mirth. The old Scylding, who has learned many things, spoke of times far-off. At times a brave one in battle touched the glad wood, the harp's joy; at times he told tales, true and sad; at times he related strange stories according to right custom; at times, again, the great-hearted king, bound with age, the old warrior, would begin to speak of his youth, his battle-strength. His heart welled within when, old and wise, he thought of his many winters.

Burton Raffel's translation¹⁹ is freer, and in poetry:

There were songs, and the telling of tales. One ancient
Dane told of long-dead times,
And sometimes Hrothgar himself, with the harp
In his lap, stroked its silvery strings
And told wonderful stories, a brave king
Reciting unhappy truths about good
And evil — and sometimes he wove his stories
On the mournful thread of old age, remembering
Buried strength and the battles it had won ...

According to Talbot Donaldson's reading, Hrothgar is the *gomela Scilding* of 2105, but he is not the *hildedeor* of 2107, a man who plays the harp. Hrothgar is the *rumheort cyning* and the *gomel guðwiga*, but he neither harps nor sings, he merely speaks of his youth and reflects on it. Raffel differentiates Hrothgar from the *gomela Scilding*, though it is Hrothgar who plays the harp while he improvises autobiographical narratives. There are a number of questions that spring to mind in considering this passage. Could or would a king play a harp, is the poetry improvised or memorised, is the performance poetry (unaccompanied by a harp) or song (accompanied)? The passage does not provide unambiguous replies to any of these questions. Since it is open to varying interpretations, one cannot produce this passage as primary evidence of poetic activity in Anglo-Saxon England. Clearly a harp is played in Heorot, but we cannot say from this passage whether it was played by

¹⁷ Dobbie's notes on the passage appear on p. 225 of his edition, and Klaeber's on p. 205 of his edition.

¹⁸ E. Talbot Donaldson, trans., *Beowulf* (London, 1967).

¹⁹ See n. 1 above.

the same person who meditated on old age, or whether it accompanied those reflections, or even whether the *syllic spell* was *soð ond sarlic*, or whether it was about the *gomel guðwiga's* youth, or whether it was produced in prose or verse. The poetic medium here does not lend itself to the deduction of incontrovertible sociological evidence.

Three other passages in the poem refer to activities that may be poetic. The first occurs on the morning after Beowulf's defeat of Grendel. The retainers ride out to the lake to view the signs of Grendel's defeat, and they acknowledge Beowulf's greatness (*Ðær wæs Beowulfes mærdō mæned*, 856 f.); many of them say (*monig oft gecwæð*) that there is no better warrior alive, although in so doing they are not disparaging their king Hrothgar (*Ne hie huru winedrihten wiht ne logon, glædne Hroðgar*, 862f.). At times they race their horses, at times a king's thane begins to weave words about Beowulf's exploit:

Hwylum cyninges þegn,
 guma gilphlæden, gidða gemyndig,
 se ðe ealfela ealdgesegena
 870 worn gemunde, word oþer fand
 soðe gebunden; secg eft ongan
 sið Beowulfes snyttrum styrian
 ond on sped wrecan spel gerade,
 wordum wrixlan. Welhwylc gecwæð
 875 þæt he fram Sigemundes secgan hyrde
 ellendædum...

Now this is a famous crux, and has been commented on by many scholars interested in early English poetry,²⁰ but let us note immediately that the poet does not tell us that the performer here is a *scop* (though he could have had *scop* for *þegn* in 867 since the line alliterates on *c*), and there is no mention of a harp. If the *cyninges þegn* of 867 is *Hroþgares scop* of 1066, then it is clear that on occasion he performed without musical accompaniment. All the passage tells us explicitly, however, is that he is a retainer of the king. But he is an unusual retainer, a man distinguished for his knowledge of *ealdgesegena*, a man mindful of many a *gyd*, a man *gilphlæden*. *Ealdgesegena* would seem to be ancient legends like those of Sigemund and Heremod; *gyd* in *Beowulf* could mean 'song',

²⁰ This passage has been discussed in detail by Norman Eliason in 'The "Improvised Lay" in *Beowulf*', *Philological Quarterly* 31 (1952) 171-9. Eliason does not believe that the performance was improvised.

'poem', or 'prose tale'.²¹ *Gilphlæden* is more problematical: Klaeber glosses the word as 'covered with glory, proud', although he expounds the compound as 'vaunt-laden' and quotes Gummere's note 'a man ... who could sing his *bēot*, or vaunt, in good verse ...' It is clear that the three phrases *guma gilphlæden*, *gidda gemyndig*, and *se ðe ealfela ealdgesegena worn gemunde* are variations of *cyninges þegn*, but it is not clear exactly what *gilp-*, *gidda*, and *ealdgesegena* refer to. It is likely that these are historical facts or narratives, but are they prose or poetry: is the *þegn* merely a man knowledgeable of the history of his people, or is he a man who has by heart a number of poems or songs treating that history? The latter seems likely, in view of the fact that the poet says that he found new words truly bound (*word oþer fand soðe gebunden*). This passage is as notorious a crux as that dealing with Hrothgar, a harp, and reflections on an old man's youth, but in the case of the latter passage no consensus has emerged from scholarly debate and none seems likely to in view of the ambiguities of the poetic medium; in the interpretation of this passage, however, there is a scholarly consensus. Though there are dissentients, Dobbie expresses the generally accepted interpretation thus: 'The *cyninges þegn* "found other words properly bound together". ... It is widely held that the word *oþer* here means "new" and that this passage provides evidence for the improvisation of lays in Anglo-Saxon times' (p. 159). This reading draws support from an examination of the use of similar phrases elsewhere in the corpus. For example, in a passage quoted above, the phoenix *wrixleð wodercræfte* (127), *Maxims I* says that *Gleawe men sceolon gieddum wrixlan* (4), and the profligate men of *Vainglory sittap æt symble, soðgied wrecað, wordum wrixlað* (15f.). *Wordum wrixlan* and related formulas are often used in other Old English poems in contexts referring to poetry. It is likely therefore that the *cyninges þegn* is a man well-versed in old poems or poems about past events; whether or not he memorises these, he here quickly composes a new poem about Beowulf's exploit which is relevant or apt (*on sped wrecan spel gerade*), making use of his knowledge of the stories of Sigemund and Heremod.

²¹ The word occurs ten times in *Beowulf*. On five occasions (151, 868, 1065, 1160, 2105) it could mean either song, poem, or tale; twice it could mean either song or poem (1118, 2108); once it is a variation of the word *sang* (2446); and twice it clearly can mean only tale (when Hrothgar tells Beowulf about Heremod, 1723, and when Beowulf reports to Hygelac, 2154). Fry, in his edition of the episode (see n. 14 above), glosses the word in Old English (not just in the passages he edits) as 'song, poem, tale, formal speech, saying, riddle. ... Generally applied to oral, traditional knowledge' (p. 65).

In the course of Beowulf's funeral there are references to two other activities that might be poetic. The first is complicated by the defective manuscript and requires editorial reconstruction:

3150 swylce giomorgyd [Ge]lafisc meowle
 [.....] bundenheorde
 [sol]ng sorgcearig s[w]iðe geneahhe
 þæt hio hyre [heofun]g[da]lgas hearde ond[r]lede,
 wælfylla worn, werudes egesan,
 3155 hyndo ond hlæf[t]hyd.

One cannot derive much information from a text that rests so heavily on conjecture, but it seems clear that a woman is here uttering a lament that incorporates images of terror and destruction.²² We are not told whether or not the poem or song refers to Beowulf, though it is occasioned by his death and is produced at his funeral just as Hildeburh lamented her brother and son at their funeral (*Ides gnornode, geomrode giddum*, 1117 f.). The lament of the twelve nobles riding around Beowulf's barrow, however, clearly does refer to the dead man:

 þa ymb hlæw riodan hildediore,
 3170 æpelinga bearn, ealra twelfe,
 wordon [ceare] cwiðan ond kyning mænan,
 wordgyd wrecan ond ymb w[er] sprecan;
 eahtodan eorlscipe ond his ellenweorc
 duguðum demdon, swa hit ged[efe] bið
 3175 þæt mon his winedryhten wordum herge,
 ferhðum freoge, þonne he forð scile
 of lichaman [læded] weorðan.
 Swa begnornodon Geata leode
 hlaforðes [hr]lyre, heorðgeneatas,
 3180 cwædon þæt he wære wyruldcyninga
 manna mildust ond mon[ðw]ærust,
 leodum liðost ond lofgeormost.

As with the previous passage, it is not at all clear whether the activity referred to here is to be considered as poetry or song or either; both the nobles and the woman are uttering words unaccompanied by musical instruments. The verbs used, *song* (3152), *cwiðan* and *mænan*

²² See Tauno F. Mustanoja, 'The Unnamed Woman's Song of Mourning over Beowulf and the Tradition of Ritual Lamentation', *Neuphilologische Mitteilungen* 68 (1967) 1-27.

(3171), *wrecan* and *sprecan* (3172), and *cwædon* (3180), do occur in passages that are commonly accepted as referring to poetry or song — as in the passage describing the *cyninges þegn* (*wrecan*, 873, and *gecwæð*, 874), or the *scop* (*sang*, 496; *wrecan*, 1065; *mænan*, 1066) — so it is at least possible that the activity is poetic. But the passage affords unusual evidence in that there are twelve people involved: are they singing in chorus? With the possible exception of the *wit Scilling* passage in *Widsith* (103-5), there is no explicit reference to choral or antiphonal poetry in a non-Christian context anywhere in the Old English corpus. (Some of Cædmon's acquaintances sing to the harp during the same evening, but they do so in turn.) It seems likely that the twelve retainers are independently uttering eulogies in praise of Beowulf. It is, the poet comments, a fitting activity for retainers to praise their lord after his death (3174-7), a sentiment that recalls Beowulf's earlier remark to Hrothgar:

Ure æghwylc sceal ende gebidan
 worolde lifes; wyrce se þe mote
 domes ær deaþe; þæt bið drihtguman
 1389 unlifgendum æfter selest.

It is possible that the *dom* that men earned during their lives lived on after their deaths in poetic form, as Beowulf's posthumous *dom* perhaps starts to live in the mouths of his twelve retainers. A recital of such notable deeds in the lives of a succession of rulers would then produce a genealogical sequence very much like that which starts the poem *Beowulf*.

ANALOGIES AND HYPOTHESES

Many recent studies of the Anglo-Saxon poetic tradition are a product of the interest in oral poetry generated by the research of Milman Parry and Albert Lord. The concept of 'the oral poet' derived from Parry and Lord was of a professional singer who underwent a long period of apprenticeship and training to acquire the skill to narrate his stories to the accompaniment of a musical instrument. Parry's and Lord's research has proved to be of considerable value in recent discussions of the diction of Old English poetry, but the emphases of their study of the Southslavic tradition of epic song were often transposed too mechanically on the Anglo-Saxon material. An examination of all the references in *Beowulf* to what might be poetic activity reveals the inadequacy of the Yugoslavian *guslar* as an exclusive

model of the poet in early English society (something that Lord surely never intended him to be). The Anglo-Saxon tradition, from the evidence of *Beowulf*, was more complex than the Southslavic. There were performers who used a harp — like the *guslar*'s *gusle* — to accompany their narrative songs, as seems to be indicated for the Finn episode, but in the poem such harpers are confined to Heorot. Outside the hall the harp is not heard, although there do seem to be poetic performances such as those of the *cyninges þegn* or the twelve *heorðgeneatas*. While the *þegn* might be a well-trained performer and a specialist — like the *guslar* — no mention is made of such qualities in the eulogising twelve or the mourning women; indeed, the poet's statement that all retainers should praise their dead lord in this way would seem to indicate that poetry was not the exclusive preserve of a specialist class.

Inside Heorot the story (poem?) of the creation, the Finn episode, and the ruminations on a past youth (if this last is indeed poetic) are respectively didactic or entertaining or elegiac productions; the purpose and function of the other performances mentioned in the poem are different. Inside the hall the performers produce set pieces that are incidental to the situation: they could presumably have produced the same pieces on other suitable occasions. This is not true of the performances outside Heorot. The laments are occasioned by the deaths of Beowulf or Hnæf, the *þegn*'s poem is a celebration of Beowulf's victory: each of the performances outside Heorot is occasioned by or refers to an event that has taken place within the community. The performances in the hall differ from these in that they refer to the individual experience of one member of the community or to events that neither performer nor audience witnessed; outside the hall every performance refers to an event that both performer and audience shared in. The *cyninges þegn* may refer to Sigemund or Heremod, but both are used as metaphors of Beowulf: Beowulf has triumphed as Sigemund did, but he should beware of inviting a fate similar to Heremod's.²³ In both cases the real referent is Beowulf, who is present among the people at the

²³ To illustrate this idea from my own field experience among the Xhosa, a Bantu people in South Africa, the poet Lungisa Wilberforce Msila referred in a poem in praise of Chief Claude Msutu Njokweni (item 10 in my collection) to the chief's recent trip to the platinum mines at Rustenburg; later, he explained to me the relevance of this narrative passage: Msutu, who had been on a tour, should welcome me on my tour — 'It was a praise to Msutu, that as he has welcomed you because you have undertaken a tour, he knows what a tour looks like' (item 31). Lord talks of 'the analogical thinking or associative thinking of oral poets everywhere' (*Singer of Tales*, p. 159).

time of the performance. Outside the hall, in other words, the performances are socially integrated and relevant to the situation; inside the hall the performances are tangential and do not refer to the situation that confronts the poet at the time. The poems (if such they are) in the hall seem to be designed primarily for entertainment and as such form part of the theme of joy in the hall. Outside the hall the poems (if such they are) refer to individuals and are eulogistic. The *guslar* may furnish a useful analogy for the singer of entertaining tales, but at the time that Parry and Lord observed him he was not part of a tradition of eulogistic poetry. If one seeks analogies for such traditions they are readily to be found today in Africa, and some of the African traditions potentially provide more illuminating analogues of the Anglo-Saxon tradition than even the Southslavic tradition.²⁴

It is fitting, the *Beowulf* poet says, that retainers should praise their lord after his death (3174-7); since each of us must die, we should earn praise in this life for that will be best for us after death (1386-9). This is a sentiment common to Indo-European literature. The Old Norse *Hávamál*, for example, says:

Cattle die, kinsmen die,
one day you die yourself;
but the words of praise will not perish
when a man wins fair fame.

Cattle die, kinsmen die,
one day you die yourself;
I know one thing that never dies —
the dead man's reputation.²⁵

²⁴ I have argued this point in 'On the Necessity for Research into the Bantu Oral Tradition', *Papers in African Languages* 1969 (School of African Studies, University of Cape Town), pp. 79-84; 'Scop and Imbongi: Anglo-Saxon and Bantu Oral Poets', see n. 1 above; and 'African Phenomena Relevant to a Study of the European Middle Ages: Oral Tradition', *English Studies in Africa* 16 (1973) 87-90; Archie Mafeje, 'The Role of the Bard in a Contemporary African Community', *Journal of African Languages* 6 (1967) 193-223, compares Xhosa and early Celtic poets, and Lylian Kesteloot, 'The West African Epics', *Présence africaine* 30 (1966) 197-202, briefly compares Sudanese and medieval European poetry.

²⁵ Patricia Terry, trans., *Poems of the Vikings* (New York, 1969), p. 24. The original, taken from *Die Edda*, vol. 1, ed. R. C. Boer (Haarlem, 1922), reads:

76 Deyr fê,
deyja frændr,
deyr sjalfr it sama;

Celtic poets express the same idea: a Welsh proverb says 'Wealth vanishes, praise (fame) does not', and an Irish *ollav* writes 'If the wealth of the world were to be assessed — this is the sum total of the matter — nothing in the world is other than futile except only eulogy'.²⁶ Far from the Indo-European context, in southern Africa, a traditional Zulu poem in praise of the king Dingana contains the lines

People will die and their praises remain,
It is these that will be left to mourn for them in their deserted
homes.²⁷

One might be able to approach an understanding of what lies behind the Indo-European sentiment by interviewing contemporary Zulu poets. Information derived from such interviews cannot *prove* anything about Indo-European poetry; if the analogy is sound, one will at best be able to use the information only to suggest a hypothetical reconstruction, a reconstruction that must be based on all the extant primary evidence. The methodology is somewhat similar to that laid down by Andrew Lang for the study of folklore: 'Now, with regard to all these strange usages, what is the method of folklore? The method is, when an apparently irrational and anomalous custom is found in any country, to look for a country where ... the practice is ... in harmony with the manners and ideas of the people among whom it prevails.'²⁸

en orðstírr
deyr aldregi
hveim er sér góðan getr.

77 Deyr fé,
deyja frændr,
deyr sjálfir it sama;
ek veit einn,
at aldri deyr:
dómr um dauðan hvern.

²⁶ Quotations are taken from J. E. Caerwyn Williams, 'The Court Poet in Medieval Ireland', *Proceedings of the British Academy* 57 (1971) 94. The original Welsh and Irish are 'Trengid golud, ni threinc molud' and

Dá measdaoi maith an domhain
is é críoch a gualabhair —
ní bhí acht an moladh amháin
ní don domhan acht díoláimh.

²⁷ Kuyofa abantu kusale izibongo,
Yizona eziyosala zibalilela emanxiweni

quoted in *Izibongo: Zulu Praise-Poems*, ed. Trevor Cope (Oxford, 1968), p. 67.

²⁸ *Custom and Myth* (London, 1901), p. 21, quoted in Richard M. Dorson, *The British Folklorists: A History* (London, 1968), p. 206.

The Zulu eulogies (*izibongo*) consist of a sequence of 'praises' commemorative of significant events in a person's life. The *izibongo* thus record the highlights in a person's career and usually incorporate a characterization of the subject (i.e., precisely the content of the eulogies uttered by the twelve *heorðgeneatas* in praise of Beowulf). During a recent interview with two Zulu poets, Trevor Cope noticed that the poets referred to the *izibongo* of a person in a curious way: "Do you know the *izibongo* of Dingana?" we would ask; "Yes, I know him" was the reply. If they stumbled in the course of their memorised performances, they would say "I have forgotten him" not "I have forgotten it (the poem)". The poets' chief, Mangosuthu Gatsha Buthelezi, later asserted in explanation that for the Zulus the *izibongo* of a person is the person. The recitation of the *izibongo* of one's ancestors conjures their presence so that one may commune with them; thus every performance of an *izibongo* is a form of praying, and the tribal poet's recitation of the *izibongo* of the chief's ancestors strengthens the chief, who is the embodiment of the tribe. The Zulu playwright H. I. E. Dhlomo wrote that '... the tribal man will tell you that the *izibongo* are the wealth of our country, the soul of our State, the dignity and meaning of the Race — are God himself.'²⁹

It is quite possible that Indo-European eulogies were associated with ritual and worship and sacral kingship in a similar way.³⁰ African poetic traditions are potentially a more useful analogue of the Anglo-Saxon tradition than the Southslavic tradition has been. The singer theorists, using the Southslavic tradition (as defined by Parry and Lord) as a model, could not provide a coherent account of all the activities mentioned by the *Beowulf* poet. The Xhosa tradition provides a more convenient model.³¹ Three kinds of Xhosa oral poems can be differentiated. (1) Most Xhosas have memorised some *izibongo*, either traditional poems about their clan or personal poems that they have

²⁹ 'Zulu Folk Poetry', *Native Teachers' Journal*, Jan. 1948, p. 48: I am indebted to David Rycroft for this reference. The interview with the two Zulu poets took place at Chief Buthelezi's great place, Kwaphindangene, on 16 June 1974 (item 348 in my collection); present were Professor Cope, myself, Douglas Mzolo, Chief Buthelezi and his mother, and the two poets.

³⁰ See Caerwyn Williams (n. 26 above) on Indo-European eulogy, and J. M. Wallace-Hadrill, *Early Germanic Kingship in England and on the Continent* (Oxford, 1971), especially chap. 1 for sacral kingship among the Germanic people.

³¹ A detailed discussion of the Xhosa tradition can be found in my 'Imbongi Nezibongo: The Xhosa Tribal Poet and the Contemporary Poetic Tradition', *Publications of the Modern Language Association of America* 90 (1975) 185-208.

composed about their cattle or their age-mates or themselves (= Old English *sodgied*, *gilp*?). The clan praises are usually uttered as an expression of pride or gratitude, cattle may be praised during ploughing or milking, individuals may be praised in order to encourage them, or an individual may recite his own *izibongo* as an expression of pride or self-confidence. (2) Occasionally, an exciting event may induce an individual to produce a spontaneous poem on the inspiration of the moment. (3) The highest form of verbal art among the Xhosas is the *izibongo* produced by the tribal poet or *imbongi*. The *imbongi* undergoes no formal training, nor is his craft hereditary; he rises to prominence by virtue of his talent and earns acceptance by the people as the chief's poet. As such he functions as herald, historian, genealogist, custodian of lore, political commentator, prophet, moulder of public opinion, mediator between people and chief, propagandist, inciter. He performs on official occasions such as the installation of chiefs or weddings or court cases whenever his chief attends. He has the ability to comment in poetry on events as and when they occur. All these different kinds of *izibongo* amongst the Xhosas are solo performances unaccompanied by music. For entertainment or instruction the Xhosas do narrate stories about animals or legends about heroes; they often sing songs while working or dancing. The songs may be solo performances accompanied by a musical instrument or hand-clapping, or they may be choral or antiphonal, but songs are quite distinct from poems in performance as well as in function. The *izibongo* may on occasion be amusing, but they are never performed primarily for entertainment.

Such a tradition is complex, not monolithic; there are different kinds of poems and different kinds of poets. There are ordinary lay performers and professionals; there is poetry and song; there are improvised and memorised performances. Anglo-Saxon scholars who adopted aspects of the Parry-Lord theories tended to imply simplistically that 'the oral poet' was a figure like the *guslar* and that there was no other kind of oral poet. The author of *Beowulf*, however, presents us with a picture of complexity like that of the Xhosa tradition, and not of simplicity. Thus F. M. Padelford, for example, writing of Old English narratives, says: 'The saga was not the exclusive possession of any class, for here [in *Beowulf*] are heard, beside the minstrel, the warrior, the old sage, and the king.'³² Later, commenting on the full

³² Frederick Morgan Padelford, 'Old English Musical Terms', *Bonner Beiträge zur Anglistik* 4 (1899) 3.

tradition (not just the narratives), he says: 'But we must not think that the music of the ancestors of the English was confined to sagas. Choral hymns, enchantments against disease and evil spirits, charms courting the favour of the gods for the crops, death-lays, bridal-songs, and battle-lays, all these forms are found in the early Germanic music, although they appear less prominently' (p. 4). *Beowulf* presents us with a tradition more complex than the Southslavic tradition as defined by Parry and Lord, and Anglo-Saxon sources other than *Beowulf* increase the complexity of the picture.

To move into the realm of hypothesis, the *scop* may originally have been a figure like the *imbongi*, an important tribal personage who uttered his poetry without musical accompaniment. He was distinct from the harper, who probably sang narrative songs, but these were not the only performers in the community. Retainers could utter the poetic praises of their lord, or praise a warrior for a heroic deed. Poetry was a socially integrated activity, as it is depicted in the passages in *Beowulf* away from Heorot. After the introduction of Christianity, because of the association of the *scop*'s poetry with ritual or because of the lack of inhibition associated with its recitation or because of the acceptance of a monastic ideal of Christianity by the royal families, the earlier tradition was forced to alter, and the pagan *scop* either passed out of the lives of the chiefs and kings (Asser nowhere mentions a poet, although poetry is current in Alfred's court) or altered in function perhaps to become a wandering entertainer like the harper. It is this later stage of the tradition that the passages describing the poet in Heorot would seem to reflect.

*
* * *

Scenes in *Beowulf* have often been taken as an accurate representation of the life of the time. As far as its references to poetry are concerned, we should note that *Beowulf* provides unusual evidence of the activity of the *scop*, and that in a number of crucial passages its evidence is not always unambiguous. The testimony furnished by the poem must be evaluated within the context of what can be learned from all extant Old English and Anglo-Latin sources, from a comparative study of Germanic and Indo-European literatures, and from a comparative study of analogous traditions surviving today. Only after due consideration has been given to this context, and after allowance has been made for the

probability of change in the tradition, should scholars accept the evidence that *Beowulf* affords us of the practice of poetry in Anglo-Saxon England.³³

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³³ I am grateful to the Human Sciences Research Council for awarding me a Senior Bursary as a contribution to the cost of the period of research that enabled me to write this article; and I am grateful to Morton Bloomfield, Joseph Harris, John Leyerle, and Fr. L. K. Shook for reading and commenting on a rough draft of this article.

GERVASE OF CHICHESTER AND THOMAS BECKET

Daniel Sheerin

GERVASE of Chichester,¹ clerk in the chancery of Henry II, 'eruditus' of Thomas Becket, canon of Chichester, commentator on scripture and homilist, has been a figure of interest in two scholarly documents in recent years. H. Mayr-Harting has drawn attention in passing to some of the evidence for his career in the royal chancery,² and has provided documentation for Gervase's tenure as canon of Chichester in his edition of the *acta* of that diocese.³ In her recent monograph, *The Becket Controversy and the Schools* (Totowa, N. J., 1973), Beryl Smalley has sketched some of Gervase's writings in a discussion of the alleged shift in his attitude towards Becket over the years following the archbishop's martyrdom.⁴ I propose in this note to gather and examine somewhat more thoroughly than has been done what can be known with reasonable certainty about Gervase's career, to suggest in a more speculative way what may have been his relationship to Thomas Becket and his party during the crisis of his archiepiscopacy, a matter misunderstood or passed over in silence in the past, and to close with a brief discussion of the corpus of Gervase's writings. This discussion will be illustrated by the republication of two of Gervase's shorter compositions from British Library MS. Royal 3 B.x.⁵

¹ For earlier treatments of Gervase see U. Chevalier, *Répertoire des sources historiques du moyen âge: bio-bibliographique*, 2nd ed. (Paris, 1905-1907), p. 1765; W. Hunt, 'Gervase of Chichester', DNB 7. 1119-20.

² 'Hilary, Bishop of Chichester (1147-69), and Henry II', *English Historical Review* 78 (1963) 219-20.

³ *The Acta of the Bishops of Chichester 1075-1207* (Canterbury and York Soc., vol. 61), (Torquay, 1964), p. 11, nos. 60 (pp. 117-18), 76 (pp. 135-36), 77 (pp. 137-38), 85 (p. 145).

⁴ pp. 221-28.

⁵ These pieces have been printed before, the *Versus Geruasii* in T. Wright, *Biographia Britannica literaria* 2: *Anglo-Norman Period* (London, 1846), pp. 217-18; both the *Versus* and the fragment of the

1. GERVASE'S CAREER

Gervase was a native of Chichester,⁶ and the assumption is that he received some training in the household of Bishop Hilary⁷ who, with his experience at the papal curia, his royalist leanings and frequent service to church and state alike, presided over a milieu well-suited to the training and advancement of capable young men.⁸ We know nothing else, even by inference, of Gervase's education. Stubbs is correct in passing over the unsupported statement of Leland that Gervase studied in Paris.⁹ We know at least that Gervase eventually earned the title of 'magister',¹⁰ and that he considered himself a theologian.¹¹

Advancement came in the form of a place in the royal chancery. Gervase's name appears in a charter of Henry II, dated to 1158, which grants the churches of Pontorson to the community of Mont-Saint-Michel. The final entry of this charter is: 'Per Gervasium, clericum cancellarii'.¹² The editors of this document cite Robert of Torigni's notice of this grant:

Postea in nova camera abbatis, concessit ecclesias
Pontis Ursonis Santo Michaeli et abbati et monachis

sermon on Becket by W. Stubbs, *The Historical Works of Gervase of Canterbury* (RS 73) 2 (London, 1880), pp. xlvii-xlix. However, these publications are not generally known. F. Blatt's *Index scriptorum novae mediae latinitatis* (Copenhagen, 1973) reports only the *Versus* in Stubbs's edition, and Smalley quotes a few lines from the sermon fragment with no reference to Stubbs's edition.

⁶ He is described by Herbert of Bosham as 'natione et cognomine Cicestrensis', *Vita S. Thomae*, ed. J. C. Robinson, *Materials for the History of Thomas Becket* (RS 67) 3 (London, 1877), p. 527; further references to Herbert's *Vita* will be made by page numbers in parentheses in the text.

⁷ Mayr-Harting, 'Hilary', 219; Smalley, p. 222. Mayr-Harting observes (*Acta*, p. 11) that neither Gervase nor Matthew of Chichester, another of Becket's *eruditi*, appears in witness lists of Hilary's documents, but that only eleven of the thirty-five surviving *acta* of Hilary contain witness lists (p. 9) and that Matthew and Gervase would have been young men in training with Hilary, not, presumably, officials in his household.

⁸ For sketches of Hilary, his character, policies and activities see D. Knowles, *The Episcopal Colleagues of Archbishop Thomas Becket* (Cambridge, 1951), pp. 24-27 and *passim*, and Mayr-Harting, 'Hilary', 219-20.

On the careful establishment of the Chichester community and chancery see Knowles, p. 26 and nn. 1 and 2; as Knowles implies, the presence of three Chichester men (the third is Jordan of Melbourne) among Becket's *eruditi* is suggestive of the excellence and influence of Hilary's establishment.

⁹ p. xxiv. This is probably due to a confusion of our Gervase with a thirteenth-century Premonstratensian of the same name; see Chevalier, p. 1765.

¹⁰ Gervase is so described in witness lists of three of the Chichester *acta* cited in n. 3, and see n. 19 below.

¹¹ Smalley, p. 221.

¹² L. Delisle and E. Berger, eds., *Recueil des actes de Henri II* 1 (Paris, 1916), no. XCIV, pp. 199-200.

ejusdem loci, praesente Roberto abbate, et Ranulpho
 priore, et Manerio monacho, et Gervasio clerico
 Thomae cancellarii, et Adam, scriba Roberti abbatis.¹³

Later Becket obtained for Gervase a tangible reward for his chancery work in the form of the church at Basing. A charter dated by Delisle to around 1160 records this grant by Abbot Robert of Torigni and the community of Mont-Saint-Michel to Gervase:

amore regis Henrici et peticione Tome cancellarii
 concessimus ... Gervasio Cicestrensi, clerico ejusdem
 cancellarii, ecclesiam nostram de Basingis.¹⁴

This grant and its terms were approved by Henry II in a confirmation in which Gervase is described as 'clerico cancellarii et meo'.¹⁵

We next find Gervase, returned home, as canon of Chichester under his old patron Hilary, in the later 1160's. Among the witnesses of a charter of Jocelyn of Salisbury, dated 1165X69, the following significant names occur: '... Hylario Cicestr[ensi] episcopo, ... Iocelino cancellario Cicestr[ensi] [Hilary's nephew], Gervasio canonico Cicestr[ensi]'.¹⁶ He subsequently appears as a witness in four Chichester documents of the years 1176X1180-1187X1192.¹⁷ He was ordained to the priesthood, by Smalley's reckoning, in 1172.¹⁸ Gervase seems to have settled in his prebend at Chichester, content with that and the emoluments from his old preferment of Basing church.¹⁹ Unlike the other two Chichester *eruditi*, Jordan of Melbourne, archdeacon of Lewes, and Matthew, dean and archdeacon of Chichester, he obtained no post of authority in his diocese, content, apparently, with preaching and writing (see part III).

¹³ R. Howlett, ed., *Chronicles of the Reigns of Stephen, Henry II, and Richard I* (RS 82) 4: *The Chronicle of Robert of Torigni* (London, 1889), p. 197.

¹⁴ L. Delisle, ed., *Chronique de Robert de Torigni* 2 (Rouen, 1873), pp. 267-68.

¹⁵ *ibid.*, pp. 268-69 = *Recueil*, no. CXCI (1. 323-24). Here Delisle dates the confirmation 1156-61. Mayr-Harting ('Hilary', 219) suggests the possibility that this document may have been written by Gervase himself. Both it and the original of no. XCIV are preserved, as Delisle reports, in the Archives de la Manche. It seems likely that no. XCIV was written by Gervase ('Per Gervasium...'), although Adam, the abbot's scribe, was in attendance. A comparison of the originals of nos. XCIV and CXCI might be rewarding.

¹⁶ M. Chibnall, ed., *Select Documents of the English Lands of the Abbey of Bec*, Camden 3rd Ser., 73 (London, 1951), pp. 3-4.

¹⁷ See above n. 3.

¹⁸ p. 222.

¹⁹ Richard of Ilchester, consecrated bishop of Winchester in 1174, confirmed a grant by the community of Mont-Saint-Michel which was to be paid 'per manum magistri Gervasii de Cicestria persone ecclesie de Basinges'; Delisle, *Chronique* 2. 308-09.

II. GERVASE AND THOMAS BECKET; A LOOK AT
HERBERT OF BOSHAM'S *CATALOGUS ERUDITORUM THOMAE*

Gervase's passage from chancery clerk to canon of Chichester is not documented. Smalley assumes that Gervase went with Becket to Canterbury in 1161,²⁰ and Mayr-Harting suggests that he took service with Hilary when Becket went into exile (1164).²¹ These are probable surmises. Wholly improbable are Hunt's statement about Gervase that 'Although one of his [*sc.* Becket's] party, he did not follow him into exile'²² and Hardy's description of Gervase as a 'firm adherent' of Becket.²³ Our only evidence for Gervase's position before 1165X1169 must come from an analysis of Herbert of Bosham's description of Gervase in his *Catalogus eruditorum Thomae*.

At this point a few words are required on the nature and purpose of Herbert's often cited but little studied *Catalogus*. Herbert alludes to this catalogue earlier in the life of Becket in a chapter 'De eruditis Thomae' (p. 207). He apostrophizes Becket's household ('O domus quae pontificem deceat, quam insignis, quam fulgida, talibus fulcita columnis!'), and proceeds to describe his catalogue of the *eruditi*:

Et hic erat catalogus eruditorum Thomae; quem
quidem denuo circa ultimum totius historiae
hujus calcem, sicut typus catalogi exigit, seriatim
et singulorum ex ordine eruditorum ponendo nomina
ordinabimus. Sufficiat nunc hic solum catalogum
nominasse. Certe catalogus hic eruditorum Thomae
pro officii gradu illius similis qui legitur
catalogus fortium David. Quod illi in armis,
et isti in scripturis.

The catalogue, Herbert tells, will be placed, as it is, at the end of his work, will be composed by giving the names of the individual *eruditi* in an order, and will be modelled on the 'catalogus fortium David', a catalogue found in 2 Reg. 23: 8-39 ('Haec nomina fortium David') and repeated in 1 Par. 11: 10-46 ('Hi principes virorum fortium David...'). David is, according to twelfth-century understanding,²⁴ the first in the

²⁰ p. 222.

²¹ 'Hilary', 219.

²² p. 1119.

²³ T. D. Hardy, *Descriptive Catalogue of Materials Relating to the History of Great Britain and Ireland* (RS 26) (London, 1865), p. 394.

²⁴ The name of the first person in the catalogue in 2 Reg. is not stated. Though this name could be supplied from the version in 1 Par. as the Venerable Bede had done (*In Regum librum XXX quaestiones*, no. 9, CCSL 119), or from the Latin Josephus as in the *Glossa ordinaria* (PL 113. 578), in Herbert's time it was assumed that this unnamed 'sapientissimus princeps' was David; see Hugh of

catalogue: 'Sedens in cathedra sapientissimus, princeps inter tres...' (2 Reg. 23:8). Categories of rank are observed, the 'tres primi' (vv. 8-12), the 'alios tres' or 'tres secundi' who are the leading three in the third category of the thirty (vv. 13 sqq.: '... tres qui erant principes inter triginta...').²⁵ The second and third entries in this catalogue begin 'Post hunc...' (v. 9) and 'Et post hunc...' (v. 11). Herbert's catalogue follows this structure. As David comes first in the scriptural catalogue, so Becket comes first in Herbert's: 'In primis igitur et supra omnes eruditos hos omnium eruditior ipse Thomas...' (p. 523).²⁶ Most of the entries in Herbert's catalogue begin 'Post hunc...', and in these an order according to rank attained at the time of composition of the catalogue is obvious; we are given, after Becket, a cardinal-archbishop and seven bishops, and then, with the transition 'Et ut mox de societate nostra non quidem episcopos, sed alios privatos viros tamen magnos et industrios, enumerem...' (p. 526), the list continues with three deans, a series of notables of unstated rank, and closes by way of a climax with Pope Urban III (p. 529). The catalogue in 2 Reg. closes with a calculation of the number in it ('Omnes triginta septem', v. 39),²⁷ as does Herbert ('omnes viginti', p. 530).²⁸

St. Victor, *Adnotationes elucidatoriae in libros Regum* (PL 175. 104). There is evidence that certain biblical texts of the eleventh and twelfth centuries had been altered to reflect this interpretation to read: 'Haec nomina fortium David. David sedens...'; see Hugh of St. Victor (PL 175. 104) and Rupert of Deutz, *In librum Regum II* 37 (CCSL, *Cont. Med.* 22. 1288).

²⁵ See Hugh of St. Victor's explanation of these classes (PL 175.104).

²⁶ Hugh of St. Victor (PL 175.104) explains David's inclusion and place in the catalogue thus: 'Hic enumerat eos qui in exercitu David fortitudine excellentes erant; quibus et ipsum David annumerat; quia perfecta gloria regis non esset fortes habere milites, nisi et ipse fortis esset. Propter quod ipsum caeteris omnibus praefert, quasi fortibus fortiozem, quatenus etiam ipsorum commendatio ad gloriam illi cedat.' If Herbert knew this text of Hugh, and Herbert and the Becket circle had close contacts with the Victorines (see Smalley, *The Study of the Bible in the Middle Ages* (Oxford, 1952), p. 189), Hugh's statement, coupled with the biblical precedent as then understood, would have required Becket's holding first place in the catalogue. Robinson's conjecture 'eruditor' may be better than the MS. reading 'eruditior' in this passage; however, 'omnium eruditior' may be defended as a genitive of comparison, after the model of 'omnium eruditissimus' or after the genitive of comparison modelled on the Greek in certain Christian Latin documents; see A. Blaise, *Manuel du latin chrétien* (Strasbourg, 1955), p. 85; A. Szantyr, *Lateinische Syntax und Stylistik* (Munich, 1963), p. 113.

²⁷ On the reckoning of this number see Hugh of St. Victor (PL 175.104-05).

²⁸ In all, twenty-two names are listed by Herbert, but he omits Edward Grim for obvious reasons from the official catalogue, and places himself among those he will not list: 'Inter quos, auctore Domino, quasi abortivus et eruditorum minimus, discipulus qui scripsit haec, Herbertus nomine proprio, natione Anglus, et sicut natione et cognomine de Boseham' (p. 529). The Joannine language is Herbert's, as throughout the life, the Pauline element (1 Cor. 15: 7-8) may be his own or may have been inspired by St. Jerome, *Ep.* 47.3.2, where, speaking of his *De viris illustribus*, he wrote: '... et post catalogum plurimorum me quoque in calce voluminis quasi abortivum et minimum omnium Christianorum posui' (CSEL 54.346, ll. 20-22).

Herbert's purpose in placing this catalogue in his work is twofold, one overt and secondary, the second covert and primary. The first purpose is made clear at the beginning of the catalogue; the *eruditi* are listed 'ut ipsorum memoria in aeterna benedictione sint' (p. 523). The second purpose, the real one, adumbrated in Herbert's 'O domus quae pontificem deceat' earlier in the work, is made clear at the end of the catalogue:

Ex isto igitur, quem posuimus, tam prudenti tam
forti, felicitatis societatis catalogo, aestimare
possumus quam magnanimus, quam magnificus, et
quam munificus fuerit dominus noster gloriosus
hic; qui etsi omnibus nudatus et proscriptus
causa Dei et ecclesiae tales secum et tantos
patronos conquisivit (p. 529).

Herbert's purpose is clearly to show how brilliant, in good times and bad, had been Becket's circle. The hierarchical structure of the catalogue alluded to earlier has indeed its model in the catalogue of 2 Reg., but it serves to give a cumulative and most effective impression of the remarkably successful careers of so many of the *eruditi*. Though Herbert claims that his catalogue is not as complete as it might have been ('Fuerunt tamen et alii nonnulli inter hos, quos ... hic non expimo', p. 529), one receives the impression that Herbert has made the list as complete and prestigious as possible (he cannot reach the number thirty-seven of the biblical catalogue), for the inclusion of the names of certain less than loyal *eruditi* evokes a contrived explanation from him.

Through the catalogue various embarrassing admissions have had to be made; for not all endured with Becket to the end, and Herbert is forced to conclude 'quidam ... paupertatis amici permanserunt, pauci abierunt retro' (p. 530). Herbert anticipates criticism of his inclusion of the less than steadfast. Two categories of behaviour during the controversy which are susceptible to censure have been described in the catalogue, and Herbert sums them up at the end: 'illi qui patrem peregrinantem secuti non sunt (Robert Foliot, Jordan of Melbourne, Matthew of Chichester, Gervase of Chichester, and John of Tilbury, this last excused because of illness), sive qui secuti et reversi (Reginald the Lombard, Gerald la Pucelle[?], Hugh of Nunant, and Philip of Calne)'. Herbert continues to say of those who returned 'fere quotquot paterna prius licentia et benedictione accepta', but this is said of Philip of Calne alone in the catalogue. Of the prior group he says, 'Et compassione paterna quotquot hi absoluti a patre.' And the conclusion of these pardons spreads the balm of amnesty over all:

Unde nec sermo noster apologeticus pro ipsis
 necessarius nunc, quia et illi qui non secuti,
 et qui secuti nec tamen permanserunt, si quo
 contra patrem suum gesserint, si quo offenderint
 modo, salubriter sunt conversi; et totis cordis
 visceribus, in summa mentis devotione, quicquid
 prius gesserint, per mortem et post mortem patris
 tam pretiosam, tam triumphalem, coram patre suo
 humiliati, et ad ipsum amantissime sunt reversi (p. 531).

In short, Herbert is casting his net as widely as possible to include a maximum number of *eruditi*, whatever their relationship to Becket during the crisis may have been.

Gervase of Chichester's entry in the catalogue is as follows:

Post hunc [*sc.* Matthew of Chichester] Gervasius,
 similiter sicut natione et cognomine Cicestrensis,
 juvenis certe tunc sicut in moribus et in
 litterarum scientia commendabilis. Verum et
 iste, cum nec vocaretur, patriam egressus non
 est (p. 527).

What does this tell us of Gervase's attitude and actions during the crisis? 'Verum et iste, cum nec vocaretur, patriam egressus non est.' 'et iste', because he follows Matthew of Chichester who is described as 'minime vocatus'; 'nec vocaretur', 'not even called'. The question then arises of the significance of *vocare* in these passages. In the catalogue we encounter two *vocati*. These are Roland and Ariald of Lombardy, '...quos pater noster iam peregrinans vocavit ad se' (p. 528). The exiled Becket summoned them, why or whence we are not told, and contributed from his penury to their support. However, more to our purpose, a derivative of *vocare* is found in the account of Gilbert of Glanville: 'Hic postquam nobis semel adhesit, nos deinceps non deseruit; veruntamen vocatione omnium novissimus fuit'; 'Et ... qui fuerat vocatione novissimus...' (p. 526). I believe that in Gilbert's case, and in those of Matthew and Gervase of Chichester we must take *vocare* in an extended, scriptural sense, common in St. Paul, and must understand it as a figurative vocation to join in Becket's trials.

It seems at least quite possible that Herbert is telling us that Matthew and Gervase were never a part of Becket's faction during the controversy, were not 'called' to be, were not even asked to share the labors of the Archbishop's party because, perhaps, it was known that they would not. Jordan of Melbourne, older and better established, withdrew from

Becket after Clarendon.²⁹ Matthew and Gervase, younger and perhaps less secure, could be expected to keep an eye on their patron, Hilary. This bishop, wily, pliant, with his nose to the breeze, was ready to desert Becket even before Clarendon.³⁰ Indeed, he later showed how clearly he realized the consequences of Becket's resignation of the chancellorship.³¹ Could it not be that he guessed the trend of things as early as 1162, and provided as soon as possible places for his proteges who were best separated from the falling star of the archbishop?

III. GERVASE'S WRITINGS

Gervase's literary activities have been sketched by Smalley. Gervase himself described his writings in verses prefixed to the collection of his works in British Library MS. Royal 3 B.x (fol. 1):

VERSUS GERVASII

Proxima confectum senio me fata uocabant.	
Nec tamen a studio manus affectusque uocabant	
Ex hinc aggrediens. occulte uerba sophie.	
Ethicus explicui perplexa libri Malachie.	
In quo iusticie uarios dissemino flores.	5
Atque sacerdotum. distortos dirigo mores.	
Cure peruigilis pastoribus inprimo formam.	
Ordinis et iuris sectandam profero normam.	
His uultus rutilos uirtutum pingo figuris.	
His facies fedas uiciorum sculpo lituris.	10
Presbiter aut presul qua se uirtute decorat.	
Quid doceat. celebret. quid agat. quid sedulus oret.	
Quo zelo reprobos feriat. iustos adamando.	
Confoueat. deno trinoque uolumine pando.	
Ad noua post animo laudum preconia flexo.	15
Pontificis Thome uitam meritumque retexo.	
Meque coegit amor cui uiuo uiuus adhesi.	
Martiris interitum gladiis describere cesi.	
Quem uelut appositam prelatis inspiciendam.	
Pastoris rigidi formam describo tenendam.	20
Asperitas uestis. solide constantia mentis.	

²⁹ Mayr-Harting, 'Hilary', 219.

³⁰ D. Knowles, *Thomas Becket* (London, 1970), p. 86; this was at Westminster, 1 October 1163; Hilary alone of all the bishops offered a different, weaker formula as a condition for the acceptance of the controversial customs.

³¹ See William Fitzstephen, *Materials ... Becket* 3.55.

Exilii dampnum. feritas contempta potentis.
 Lictorum gladiis ceruix oblata cruentis.
 In gremio matris uirtus erecta cadentis.
 Excussum cerebrum sanguisque per atria manans. 25
 Copia signorum. languorum milia sanans.
 Omnia pastori fiunt exempla regendi.
 Ne cadat a cura cogente metu moriendi.
 Attendas igitur pastor mea scripta legendo.
 Vt qualem doceo sis talis ouile regendo. 30

As there is no evidence, nor even a strong probability of a close association of Gervase with Becket, certainly, at any rate, during his controversy with the king, it is necessary to regard v. 17 of Gervase's poem in the light of the change of heart which Herbert describes as the common experience of many of Becket's lukewarm or disloyal one-time associates.

In these verses Gervase seems to describe the literary work of his later years, works preserved in the Royal MS. Gervase describes first his homiletic commentary on the book of Malachia which has special application to the correction of the clergy. This commentary in thirteen books has survived and occupies fols. 2-112 of the Royal MS.; its fullest title is 'editio Gervasii presbiteri cicestrensis super malachiam prophetam de ordinis sacerdotalis instructione'. The second work to which Gervase makes allusion is a treatment of the life of Thomas Becket, again with a view to the instruction of the clergy. He suggests that the work is encomiastic (v. 15), biographical (v. 16), concerned with Becket's passion (v. 18), and that Becket will be treated as an exemplar for ecclesiastics. In vv. 21-25 he hurries through aspects of Becket's life and death which are commonplace in treatments of Becket in hagiography and hymnody, and concludes with an invitation to attend to the example proposed. The precise character of this work cannot be known with any certainty, for after fol. 112 there is a lacuna due to the excision of eleven or twelve folia. Fol. 113 contains the conclusion of a homily on Becket, the sole remnant of the treatment of that saint in the Royal MS. The commentary on Malachia and the Becket fragment were written by the same hand. There follow two homilies, one on Ezechiel 44.17 (fols. 113v-116), and a second for the Nativity of John the Baptist (vv. 116v-122).³² These homilies seem to be additions to the codex originally planned. The first part of the MS. is composed of gatherings of eight marked by Roman numerals at the end. Quire no.

³² Portions of this sermon are to be found in Royal MS. 8 E.xiii, fols. 215v-217v, dated c. 1400.

XIII is the last one so marked on fol. 112v. Though the ruling is the same in the remainder of the MS. as in the earlier quires, the absence of quire marks and of any mention of the later homilies in the introductory verses suggests that the remaining folia are additions. A number of hands, all of s. xii *ex.*-s. xiii *in.*, appear in the MS.; one hand wrote the verses on fol. 1 and the capitula of book 13 of the commentary on Malachia on fol. 1vb; a second hand is responsible for the remainder of the capitula and for fols. 2-113; a third hand wrote fols. 113v-116; a fourth hand wrote the verses on fol. 116r2 as well as fols. 116v-122.

The text of the surviving fragment of Gervase's sermon on Thomas Becket is printed here with the orthography and punctuation of the MS. Only one alteration has been necessary, *sc.* in line 28, the correction of the MS. reading *transinittat* to *transmittat*. The scriptural texts employed by Gervase in his composition are cited at the foot of the text. Below these will be found analogous treatments of the motifs used by Gervase. I believe that these notes will make it sufficiently clear that this fragment of Gervase's work fits well into the rich matrix of motifs and attitudes touching St. Thomas Becket. The use of 1 Mac. 4:47 ('et ornaverunt faciem templi coronis aureis') in lines 2-4, and the very considerable emphasis on the 'caput/membrum' relationship in lines 12-20, elements not everywhere found in the Becket literature, would seem to be the result of Gervase's own scriptural imagination.

British Library MS. Royal 3 B.x, fol. 13r

unda. non crismate consecrato. set cerebro mucronibus excusso:
profusius aspersum dedicauit. Et non ut quondam machabei fabrefactis
coronis aureis. set potius amputata corona capitis: faciem templi

2-3: 2 Mac. 4:57

1: It seems possible, if not probable, that the missing object of *dedicauit*, which must be modified by *aspersum*, might be *templum* (*cf.* line 3), referring to Canterbury Cathedral, dedicated not by blessed water (*unda?*), or chrism, but by the martyrdom. *Cf.* John of Salisbury: 'Ecclesia quidem, quae sacro cruore violata fuerit, vel potius consecrata...' (*MB* 2.321); A.H. 37. 315: 'Sedem sui praesulatus / Consecravit sanguine.'; A.H. 40. 348: 'Est cruore dedicata / Nati mater et lustrata / Martyris praesentia.' For 'cerebro ... excusso' *cf.* Edward Grim: '... et coronam, quae ampla fuit, ita a capite separavit, ut sanguis albens ex cerebro, cerebrum nihilominus rubens ex sanguine, lili et rosae coloribus virginis et matris ecclesiae faciem confessoris et martyris vita et morte purpureret.' (*MB* 2.437-38); A.H. 8. 287: 'In virtutis argumentum / Thomae firmat testamentum / Cerebri dispersio. Vicem chartae pavementum, / cruor supplet atramentum / scribiturque gladio.'; A.H. 55. 327: 'Ad decoris incrementum / Templi rubet pavementum, / Quod sanguine respergitur...'. 3: *Cf.* Herbert of Bosham: '... et ipsius corona immarcessibilis, quam gladiatores

pulcrius exornauit. Regem igitur in passione precedentem. ac militem
 5 in agonis itinere subsequentem: zelus domus domini quasi percus-
 sionum dentibus comedit attritum. et morsu mortis deglutiuit ab-
 sortum. Quia profecto dum uterque tam rigore quam amore. domum
 domini mundare conaretur: zelus domus eiusdem. causa mortis
 utriusque fuisse perhibetur. Et opprobria deo exprobrantium patri:
 10 super utrumque cecidisse non ambigitur. super illum scilicet: in crucis
 patibulo suspendendum. super istum uero: quatuor gladiis in lapidem
 uiuum conquadrandum. Unde constat quia utrique contumelia uel
 passio crudelius illata: deo in cuius iniuriam passi sunt. exprobratio
 fuerit incomparabilis irrogata. iuxta illam ueritatis assertionem. Qui
 15 me odit: et patrem meum odit. Et iterum. Qui uos spernit: me spernit.
 Sicut enim iuxta iudicis futuri sententiam. qui quempiam minimorum
 suorum beneficio refocillat. In seruo quoque dominum recreat: (f.
 113r2) sic etiam qui membrum eiusdem persequendo dilaniat. in mem-
 bro caput dilaniare non cessat. iuxta illud. Saule saule: quid me per-
 20 sequeris? Nos igitur fratres karissimi. huic preclaro tam christi quam
 tironis sui natalicio manibus ac mente iuxta prophetam applaudentes.

5-6: Joan. 2:17 6-7: Ps. 123:3-4 7-8: 2 Par. 29:5 9-10: Ps. 68:10 11-12: 1 Petr.
 2:5 12: Matth. 22:6 14-15: Joan. 15:23, Luc. 10:16 17-18: Matth. 25:40 19-20: Act.
 9:4 21: Jerem. 5:31

ferro super capitis et carnis ejus coronam, tanquam super aliquam incudem cudentes, ipsi
 fabricaverunt pro corona coronam.' (MB 3.505).

4-5: Cf. Edward Grim: 'Decuit plane Ducis sui militem martyrem Salvatoris inhaerere vestigiis...' (MB 2.436); Herbert of Bosham, *Liber Melorum*, passim (PL 190.1293-1404); A.H. 21. 137: 'Novus miles sequitur / Viam novi regis.'; A.H. 55. 329: 'Ibi velut novus tiro / Thomas in fervore miro / Regi regum militat.'

7-9: Cf. Herbert of Bosham: 'O quam admiranda tam ardens sacerdotis aemulatio, domum Dei tam ferventer zelantis, qui solus et inermis tot et tam vesanis in necem ejus jam armatis, tam ardens, tam fidens, tam pronus, tam promptus, tam intrepidus et tam paratus occurrerit! quos et de templo Salvatoris, Salvatorem suum imitans, non formidavit ejicere. Salvatorem (dico) suum et imperatorem suum in hoc sequens, nisi quod tam strenuus summi Imperatoris miles hic non jam nummularios et columbarum venditores sed gladiatores ipsos, in necem ipsius sic jam debacchantes, nihil (ut videtur) expavescens, nihil trepidans attentavit ejicere.' (MB 3.493); A.H. 39. 328: 'Modum quaeris? Ense ruit; / Locus ara, causa fuit / Zelus pro iustitia.'; A.H. 40. 344: 'Zeli Dei victima.'

10: Cf. A.H. 40. 349: 'Ara crucis tulit Christum, / Ante aram caedit istum / Ense manus impia.'

11-12: *Passio S. Thomae*, auct. anon.: 'Sic noster beatissimus et invictus martyr Thomas virtute constantiae adamantinus, coelestis aedificii lapis pretiosus, gladiatorum conquadatus ictibus angulari lapidi Christi in coelis est conjunctus.' (PL 190.323); A.H. 13. 92 (p. 238): 'Lapis iste / sex annis nunditur, / Sic politur, / sic quadrus reditur, / Minus cedens / quo magis caeditur.'; A.H. 42. 329: 'Israhelis sub exemplo / Lapis quadrus est in templo. / Cum mactatur aries.'

21: Much is made in the Becket literature of the significance of the occurrence of his martyrdom within the Christmas season; cf. John of Salisbury: '... non tempore profano, sed die quem

dum in domo domini corporaliter conuersamur: zelum illius biformem deuotius amplectemur. Ut scilicet indignationis zelo. nosmetipsos acrius arguentes: fluxos nostre mentis et carnis excessus per abstinentiam trucidemus. et nichilominus dilectionis zelo: locum habitationis glorie diuine quem incolimus. gloriosis actibus decoremus. Quatinus quos hodie martir noster egregius. roseo sui sanguinis thau domino signatos commendauit: ad dominum per sue mortis intersigna transmittat. Ut qui clericus exterius. monachus interius. intime plus hiis heremita ciliciatus. pro generali religionis anglicane redemptione anime sue precium interposuit: monachos et clericos cum omni religionis gradu. in sortis sue portionem introducat. Prestante domino nostro iesu christo. qui cum patre et spiritu sancto uiuit et regnat deus: per omnia secula seculorum AMEN.

22: 1 Tim. 3:15 24-25: Ps. 25:8 27: Ezech. 9:4 30-31: Matth. 20:28, Ps. 48:9.

nativitatis Dominicae solennitas consecrabat. Et omni iure decuit ut natalis ejus, qui innocenter et sanctissime vixerat, natalem sanctorum Innocentum sequeretur.' (*MB* 2.318); *Passio quinta*: '... magna regis nati clementia, qui militis sui martyrium, imo natale martyris, ita suo continuauit...' (PL 190.343). A.H. 40. 344: 'Cum nascente Christo stratus / Ornat festa tanti status / Sanguinis in laurea. Stephano concoronatus / Cum Iohanne Christo gratus, / Innocentum assecla.'

22: Cf. Herbert of Bosham, in his introductory epistle to Archbishop Baldwin: 'Et praestet id vobis Omnipotens ut illius sortiamini zelum, cujus consecuti estis ministerium...' (*MB* 3.156).

29-30: A.H. 13. 92 (p. 238): 'Monachus sub clerico, / clam ciliciatus, / Carnis carne fortior / edomat reatus.'; A.H. 37. 314: 'Vita vixit eremita / Sic, ut rigor ejus vitae / Palma sit martyrii.'; A.H. 34. 342: 'Intus erat eremita, / Regularis foris vita / Praetendens canonicum.'

30: Cf. William Fitz Stephen: 'Excitavit in Dei devotionem, quae in Anglorum mentibus iam pridem tepuerat, et in pia desideria vitae meliorandae, peregrinationis sanctae, et eleemosynae faciendae, omnem Angliae habitorem...' (*MB* 3.153).

Now, this text is obviously the conclusion of a homily addressed to the clergy (24 ff.) on the feast of St. Thomas Becket (21). Smalley describes two homilies by Gervase on Thomas Becket preserved in a sixteenth-century copy by a Chichester cleric, Nicholas Hicket, in Westminster Abbey MS. 14.³³ The first of these is dated to 29-XII-1173, the first feast of the newly canonized Becket.³⁴ The second sermon is said to have been preached 'anno 2^o cum in perturbatione fuisset ecclesia'.³⁵

³³ Smalley, pp. 222-224.

³⁴ pp. 222-23.

³⁵ p. 222.

Smalley takes this to mean the second year of the disturbances following the death of Becket, and so 'The second year of perturbation would have fallen between 29 December 1171 and 1172, and therefore before the canonization of 1173'.³⁶ Yet she goes on immediately to say that 'Gervase anticipates it [sc. the canonization], since he says that Thomas is the author and patron of the day's celebration'. Whether or not Smalley is correct in her interpretation of the year referred to in the rubric of this sermon, it is clear that the sermon was delivered on 29 December. Now according to Smalley's report of the contents of the Westminster MS. the conclusion of the second sermon copied there is lost.³⁷ This seems to suggest the possibility, rejected by Smalley, that the fragment in the Royal MS. is the conclusion of the second sermon on Becket in the Westminster MS. Nicholas Hickett's copy also contains the commentary on Malachia. Smalley has made a spot check comparison of the text in the Royal MS. and Hickett's copy, but the results are not conclusive.³⁸ The existence of another copy (now lost) of Gervase's works in the Middle Ages also prevents our stating definitely that Hickett copied the Royal MS., though he may have had the opportunity.³⁹ We know of two medieval copies of Gervase's works. The first, the Royal MS., is probably the one seen by Leland at Gloucester. Leland described it as follows: 'Cum autem annis abhinc decem thesauros bibliothecarum provinciae *Claudinae* curiose excuterem, casu felici incidi in *Commentarios* hujus *Gervasii* in *Malachiam* ... reperi et ibidem librum ejus *Homeliarum*'.⁴⁰ Smalley cites a MS. listed in the 1418 catalogue of Peterhouse, Cambridge, which contained 'Gervasius super *Malachiam* cum quibusdam sermonibus'.⁴¹

The editors of the Catalogue of the Royal MSS. assume that the treat-

³⁶ *ibid.*

³⁷ p. 248.

³⁸ p. 249, n. 7.

³⁹ *ibid.*

⁴⁰ J. Leland, *Commentarii de scriptoribus Britannicis*, ed. T. Hearne (Oxford, 1709), p. 216. In his article on Gervase of Chichester, in which he reports seeing the Gloucester MS., Leland, in spite of the critical attitude toward Becket then in vogue (see J. F. Davis, 'Lollards, Reformers and St. Thomas of Canterbury', *University of Birmingham Historical Journal* 9 (1963-64) 1-15), shows that Herbert of Bosham's catalogue obtained its desired effect: 'Ut pertinacia *Thomas* sua nimia cecidit, majestatem principis minuens; ita stat stabitque perpetuum hoc uno nunquam satis laudatus calculo quod talem eruditorum sibi non parvo tempore numerum retinuerit, qualem ab eo tempore episcoporum *Britannicorum* nullus sibi comparavit: sed neque futurorum quisquam, quantum ego existimare possum, comparabit' (pp. 216-17). Leland's enthusiasm could not, however, prevent the excision of the lost folios from the Royal MS. which probably took place shortly after he had seen it.

⁴¹ p. 248.

ment of Becket promised by Gervase in his poem was 'contained in the homilies which follow the commentary'.⁴² How many homilies were there? The nearest we can come to an answer to this question is to say that there were at least two. On the verso of the edge of the fifth damaged folio in the fifth and sixth lines from the bottom one can see the letters *cest* and *us.*, *ci/cestr/ensis* and, perhaps, *secund/us.*, in the maroon ink used for the titles in the earlier folios. It seems quite possible that the mutilated folios in the Royal MS. contained the same two sermons found in Hickett's transcription. Against this is Gervase's statement in the poem that the compositions in the MS. are the work of his old age (v. 1). Yet the lines introducing the description of his work on Becket (v. 15) could be taken as referring to the posterior position of his sermons on Becket in the volume of his collected works, after his *opus maius*, the commentary on Malachia, which was written in his old age. Smalley maintains that the fragment in the Royal MS. is from a different, later set of sermons than those found in the Westminster MS. She argues that 'the two columns of text which are left suffice to show that Gervase's attitude toward the martyr has changed. The effects of his martyrdom have broadened out. Instead of presenting him as 'the saviour of ecclesiastical liberties, Gervase makes him redeem religion in general and set a moral example.'⁴³ In the first sermon Gervase declares 'Nisi enim novus ipse noster Abel ... moreretur pro populo, anglicana forsitan ordinis nostri gens tota deperiret.'⁴⁴ This seems not so far from the words of the fragment in the Royal MS.: '... pro generali religionis anglicane redemptione anime sue precium interposuit.' The theme of the second sermon was 'I am the Good Shepherd',⁴⁵ and in his poem Gervase refers to Becket as the 'Pastoris rigidi formam...' (v. 20). Vv. 27-28 of the poem suggest that Becket was treated as a model of pastoral courage in face of imminent death. It is not impossible that the fragment in the Royal MS. is the conclusion of the second sermon in the Westminster MS.

It is unfortunate that Hickett's copy does not contain the sermons in the Royal MS. on Ezech. 44:17 and the Nativity of John the Baptist. These sermons are not specifically ascribed to Gervase in that MS. and are not mentioned in Gervase's poem. The homily on Ezechiel is much

⁴² G. F. Warner and J. P. Gilson, eds., *Catalogue of Western MSS in the Old Royal and King's Collections* 1 (London, 1921), p. 73.

⁴³ p. 225.

⁴⁴ p. 224, n. 27.

⁴⁵ p. 223.

concerned with clerical chastity, one of the major themes, as Smalley has shown, of Gervase's commentary on Malachia.⁴⁶ Ascription of these two sermons to Gervase must depend on stylistic comparison, which in turn must await publication of the Westminster sermons. In the absence, however, of any stylistic objections, the contemporary addition of these sermons, without any indication of authorship, to a codex of Gervase's works, provides at least a small probability of their being his.

One can provide a conjectural index of Gervase's works as follows:

- 1) a pair of sermons on Thomas Becket: Westminster Abbey MS. 14; British Library MS. Royal 3 B.x;
- 2) the commentary on Malachia: British Library MS. Royal 3 B.x; Westminster Abbey MS. 14;
- 3) a homily on Ezechiel 44.17: British Library MS. Royal 3 B.x;
- 4) a sermon for the Nativity of St. John the Baptist, British Library MSS. Royal 3 B.x and 8 E.xiii, fols. 215v-217v;
- 5) prefatory poem to his works, British Library MS. Royal 3 B.x;
- 6) verses on penance in rhyming hexameters, *inc.* 'Languidus qui morbis anime uexaris acutis', British Library MS. Royal 3 B.x.

Smalley reports that we may expect a study of Becket's *eruditi* from Mayr-Harting;⁴⁷ this may provide further information and certainly expert analysis of Gervase and the other proteges of Hilary of Chichester in Becket's entourage. Publication of Gervase's commentary on Malachia and of the Westminster sermons will add greatly to our ability to assess Gervase's writings and will make possible the necessary stylistic analysis of the *adespota* in the Royal MS. Until these projects are undertaken, the materials gathered here would seem to represent the sum of our knowledge about Gervase of Chichester.

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⁴⁶ p. 226.

⁴⁷ p. 16, n. 24.

THE DATE OF ABBOT RICHARD OF MONTE CASSINO AND THE PROBLEM OF HIS PROMOTION TO THE COLLEGE OF CARDINALS

Herbert Bloch

TWICE in recent years Abbot Richard of Monte Cassino has been the subject of investigation, in spite of the fact that he is one of the more shadowy figures among those who reigned over the abbey during the Middle Ages. Klaus Ganzer in his study of the cardinals of the eleventh to thirteenth centuries who were in addition either abbots of monasteries or bishops and archbishops¹ and Agostino Paravicini-Bagliani in his detailed treatment of the Curia cardinals under Popes Gregory IX and Innocent IV (1227-1254)² were forced to deal with this prelate, who in the second half of his irregular term of office as abbot calls himself — and is referred to in Monte Cassino as — ‘*Dei gratia tituli S. Ciriaci presbyter cardinalis et Casinensis abbas*’, with or without the indication of the *titulus*. But Innocent IV’s successor Alexander IV (1254-1261) in his pertinent documents never gives Abbot Richard the title ‘cardinal’.

D. Mauro Inguanez in his fundamental study on the chronology of the abbots of Monte Cassino during the thirteenth century³ was not able to trace the beginning of Richard’s abbacy beyond 24 December 1254. There remained a gap of three years and nine months between that date and 11 March 1251 on which day ‘*Nicolaus Dei gratia Casinensis electus*’ was in charge of the monastery, who is never men-

¹ K. Ganzer, *Die Entwicklung des auswärtigen Kardinalats im hohen Mittelalter. Ein Beitrag zur Geschichte des Kardinalkollegiums vom 11. bis 13. Jahrhundert* (Bibliothek des Deutschen Historischen Instituts in Rom 26; Tübingen, 1963), pp. 169-171: ‘86. Richard, Abt von Montecassino’.

² *Cardinali di curia e ‘familiæ’ cardinalizie dal 1227 al 1254* (Italia Sacra 18; Padua, 1972), 1. 125, 341 f.; 2. 545-551: ‘Riccardo abate di Montecassino (Cardinale prete dal titolo di S. Ciriaco?)’.

³ ‘Cronologia degli abati cassinesi del secolo XIII’, *Casinensia* 2 (Monte Cassino, 1929), pp. 409-456, especially pp. 425-431.

tioned before or afterwards.⁴ Ganzer, like Inguanez, assumed that Richard became abbot about 1254, after a period of several years during which Monte Cassino would have been without an abbot.⁵

Neither Ganzer nor Paravicini-Bagliani knew a letter of Abbot Richard which is preserved in the original in the Archives of the Département Maine et Loire in Angers. This letter, of which only small portions had been previously known, was first published in my study 'The Schism of Anacletus II and the Glanfeuil Forgeries of Peter the Deacon of Monte Cassino', *Traditio* 8 (1952) 159-264, on 257 f. It was written on 26 January 1252 on behalf of Peter II, abbot of Saint-Maur-sur-Loire (Glanfeuil) since 1248, to assist him in his lawsuit against Bishop Michel de Villoseau of Angers.

Abbot Peter claimed exemption from the bishop's authority on the grounds that his monastery was subject to Monte Cassino, a claim not recognized by the bishop, who had excommunicated the abbot and the monks of Glanfeuil after their appeal to Rome. Pope Innocent IV appointed Cardinal deacon John (Giovanni Gaetano Orsini) of S. Nicola in Carcere Tulliano as auditor. Abbot Peter asked Abbot Richard of Monte Cassino to excuse him from his visit to Monte Cassino at this time and to grant him a postponement. This visit of a newly elected abbot of Glanfeuil was the most marked outward manifestation of his being subject to Monte Cassino. The entire relationship between the two monasteries was based on forgeries of Peter the Deacon, bibliothecarius of Monte Cassino, which he fabricated in 1133 (and later) and which are known as the Glanfeuil Forgeries. They were the subject of the study of 1952, which will be included in revised form in my forthcoming book *Monte Cassino in the Middle Ages* (as Part IV).

One important conclusion can be drawn immediately from the letter of Abbot Richard: he was abbot as early as 26 January 1252. It can be assumed that he was elected sometime before that date, at the latest in December 1251, and that Abbot-elect Nicholas was never enthroned, either because he died before that event or for other reasons. The absence of his name in the necrologium of Cod. Cas. 47, which gives the dates of the deaths of most abbots of the thirteenth century, thus easily explains itself.⁶

⁴ Cf. Inguanez, 'Cronologia', 425-427. The original is kept in the Archives of Monte Cassino, Caps. CXXXIII, fasc. II, 7; copy in the *Registrum Thomae Decani*: M. Inguanez, *Regesto di Tommaso Decano o cartolario del convento cassinese (1178-1280)* (Monte Cassino, 1915), pp. 106-108, n° 54.

⁵ Inguanez, 'Cronologia', 427 f.; Ganzer, *Die Entwicklung*, p. 169.

⁶ I called attention to the chronological result in my *Traditio* article, 221 f. : 'Appendix: The Date of Abbot Richard of Monte Cassino'. — For the absence of Nicholas' name in the necrologium see

Under these circumstances, it is impossible that the mysterious letter addressed by members of the congregation of Monte Cassino to a high official at Conrad IV's court after the king's landing in Siponto on 8 January 1252, and conveyed in person by a delegation of four monks, had anything to do with gaining the king's approval of Nicholas' election;⁷ it may well be connected with the election of Abbot Richard. The background and affiliations of the new abbot are veiled in obscurity, except that it can be said with some confidence that he had not been a member of the congregation of Monte Cassino. He was apparently an outsider.

In the letter of 26 January 1252 Richard calls himself 'Richardus Dei gratia abbas monasterii Casinensis'. It can safely be inferred from his failure to mention the title 'cardinal' that he did not then hold that rank which he later claimed. But it seems most significant that Richard was at that moment in Perugia at the papal court, obviously in the entourage of Pope Innocent IV and obviously with his approval. It is hardly by accident that in those very weeks the pope for the second and last time created a number of cardinals (the first such promotion of 1244 does not concern Richard).⁸ According to the biographer of the pope, Nicolaus of Calvi, Innocent IV on that occasion ordained three cardinals.⁹ One of them was Stephanus de Vancsa, since 1243 'Strigoniensis archiepiscopus', i. e. Archbishop of Gran (=Esztergom, see of the primate of Hungary), who was created Cardinal bishop of Palestrina, the first Hungarian to be named to the Sacred College. When about the middle of the year 1253 he asked the pope to be allowed to return to his archbishopric of Gran because of his health and for other unspecified reasons, the pope presented him with the alternative of either returning to the Curia as cardinal or retaining his archsee in Hungary. Stephanus chose the former and Innocent IV bestowed the archbishopric of Gran on Archbishop Benedict of Kalocsa. This is only one very instructive

Inguanez, 'Cronologia', 426. It was later published by the same scholar: *I necrologi cassinesi* I (Fonti per la storia d'Italia 83; Rome, 1941).

⁷ As Inguanez, 'Cronologia', 426, suggested.

⁸ See for Innocent IV's second promotion Paravicini-Bagliani's admirable account and analysis, *Cardinali di curia* 1. 341-379.

⁹ F. Pagnotti, 'Niccolò da Calvi e la sua vita d'Innocenzo IV ...', *Archivio della R. Società romana di storia patria* 31 (1898) 7-120; 107: '... cum iam ibidem (*scil.* Perusii) per annum et dimidium resideret, tres cardinales in ecclesia ordinavit, dominum episcopum Portuensem, dominum episcopum Penestinum (*sic*), quondam Strigoniensem archiepiscopum, et dominum Octobonum Sancti Adriani diaconum cardinalem.' Cf. Paravicini-Bagliani, *Cardinali di curia* 1. 341, 2. 550. The date is mistaken — it would be April-May 1253 — for the first subscriptions of the three new cardinals occur a year earlier, between 6 February and 20 April 1252.

case, among others, which exemplifies the growing tendency of papal policy to exclude the combination of the cardinalate with a bishopric or an abbacy. Ganzer's investigation has made this clear.¹⁰

While the three newly created cardinals listed by Nicolaus of Calvi appear in papal documents immediately after their elevation, the name of Abbot Richard of Monte Cassino does not, under either Innocent IV or Alexander IV. When on 10 December 1252 Innocent IV confirmed a grant made by Richard to the Fratres Minores at Cassino on 27 November 1252, he referred to him as 'R(ichardus) abbas monasterii Casinensis'.¹¹

Abbot Richard is not heard from again until 17 August 1255 in a charter preserved only in the *Registrum Thomae Decani* issued and signed by him 'in civitate S. Germani' (= Cassino) as 'Riccardus Dei gratia Casinensis abbas'.¹² Just as the letter of 1252 was dated 'pontificatus domini Innocentii papae quarti anno nono', the charter of 1255 bears the date 'pontificatus domini nostri Alexandri quarti pape anno primo'. Although the original of this document has apparently not been preserved, its authenticity cannot be impugned.

It is true, there exist documents in the *Reg. Thomae Dec.* dated 2 November and 4 November 1253, 9 March and December 1254, in which the abbot does not figure, as one would expect, and his place is taken by 'domnus Riccardus vicedecanus'.¹³ On the other hand, three bulls of Alexander IV are addressed 'abbati et conventui Cassinensi', dated 24 December 1254, 18 January and 7 February 1255; they are all preserved in the original.¹⁴

Less than half a year after the charter of 17 August 1255, on 1 February 1256, Abbot Richard reappears in a letter written in Cassino with the title 'Riccardus Dei gratia tituli Sancti Ciriaci presbyter cardinalis et Casinensis abbas'; this letter is included in a charter of 16

¹⁰ Ganzer, *Die Entwicklung*, pp. 168 f.; Paravicini-Bagliani, *Cardinali di curia* 1. 351. Similar cases are: Petrus of Collemezzo, archbishop of Rouen, who had to relinquish his see when created cardinal bishop of Albano in 1244, in spite of the insistence of the canons of his cathedral, who did not wish to give him up (cf. Ganzer, *Die Entwicklung*, p. 167, no. 81; Paravicini-Bagliani, *Cardinali di curia* 1. 179), and Willelmus, abbot of S. Facundus in Sahagún (León), who had to resign from his abbacy when he was created cardinal priest 'tituli xii Apostolorum' in the same year (cf. Ganzer, *Die Entwicklung*, p. 167, no. 83).

¹¹ Potthast, *Reg. Pontif. Rom.* 14802. First noticed by Paravicini-Bagliani, *Cardinali di curia* 2. 545.

¹² *Reg. di Tamm. Dec.*, pp. 130 f., no. 63.

¹³ *ibid.*, nos. 55, 58, 62, 60.

¹⁴ Cf. Inguanez, 'Cronologia', 428; T. Leccisotti, *Abbazia di Montecassino. I Regesti dell' archivio* 1 (Rome, 1964), p. 133, no. 46; p. 139, no. 60; p. 130, no. 37 (18 February).

February 1256, in which the abbot is referred to by the same title. This charter is dated in the second year of Pope Alexander IV.¹⁵

In the following charters Abbot Richard signs or is mentioned as cardinal and abbot:

17 March 1256; preserved as a copy of the original dated 24 August 1262: 'pontificatus domini nostri Alexandri pape quarti anno secundo' signed: 'Riccardus Dei gratia tituli S. Ciriaci presbyter cardinalis et Casinensis abbas'. In the introduction the *iudices et advocati* magister Petrus De Ota and magister Nicolaus de Angelo refer to the original charter as the 'instrumentum factum a bone memorie Riccardo Casinensi abbate', without mentioning the title cardinal.¹⁶

19 June 1256 with the date: 'regnante domno nostro Conrado secundo', etc. and the title 'Riccardus, Dei gratia tituli S. Ciriaci presbyter cardinalis et abbas Casinensis'.¹⁷

15 October 1256: 'regnante domno nostro Conrado secundo', etc. 'Riccardus Dei gratia tituli S. Ciriaci presbyter cardinalis et Cas. abbas'.¹⁸

5 January 1257: 'regnante domino nostro Conrado secundo', etc. 'Riccardus Dei gratia tituli S. Ciriaci presbyter cardinalis et Cas. abbas'.¹⁹

1 May 1257: 'Regnante domino Conrado secundo', etc. 'Nos Riccardus dei gratia Cardinalis et Casinensis Abbas'.²⁰

5 June 1258: dated after Conrad II with the abbot referring to himself as 'Riccardus Dei gratia cardinalis et Casinensis abbas'.²¹

17 November 1258: 'Riccardus D. g. Cardinalis et Cas. abbas, licet inmeritus'. In this document Abbot Richard grants to the Marchioness Thomasia de Hoemburg (?), daughter of Count Walter of Manoppello, the church of S. Pietro in Roccamontepiano, a dependency of S.

¹⁵ *Reg. di Tomm. Dec.*, pp. 131-133, no. 64; cf. Leccisotti, *Regesti* 6 (Rome, 1971), p. 134, no. 11.

¹⁶ *Reg. di Tomm. Dec.*, pp. 156-160, no. 76; original in Caps. LXXXV D, fasc. I, 3; cf. Inguañez, 'Cronologia', 430.

¹⁷ *Reg. di Tomm. Dec.*, pp. 134 f., no. 65; for the original see Leccisotti, *Regesti* 8 (Rome, 1973), pp. 167 f., no. 2132; Inguañez, 'Cronologia', 429 n. 1.

¹⁸ Two documents bearing the same date: *Reg. di Tomm. Dec.*, pp. 135 f., no. 66 and pp. 136 f., no. 67. The original of this charter is preserved; see Leccisotti, *Regesti* 6. 286, no. 701; Inguañez, 'Cronologia', 429 n. 1.

¹⁹ Original; ed. E. Gattola, *Historia abbatiae casinensis* (Venice, 1733), pp. 137 f.; cf. Ganzer, *Die Entwicklung*, p. 170 n. 10.

²⁰ A. M. Caplet, *Regesti Bernardi I abbatibus casinensis fragmenta* (Rome, 1890), p. 207, no. 481.

²¹ Original; ed. Gattola, *Historia* 2. 454; cf. Leccisotti, *Regesti*, 6. 271 f., no. 670 (without a reference to Gattola).

Liberatore 'de Magella', in order to enable her to build a convent there.²²

25 November 1258: 'regnante Manfredo, Dei gratia gloriosissimo Sicilie rege, regni eius anno primo' 'in presentia domni Riccardi Dei gratia venerabilis cardinalis et Casinensis abbas'.²³

Actually, Abbot Richard had attended Manfred's coronation in Palermo on 10 August 1258, as we learn from Pope Alexander IV's bull of 10 April 1259, in which he deposed the archbishop of Sorrento and 'abbatem monasterii Casinensis' for that reason and for continuing to favor the cause of Manfred.²⁴ On 5 June 1259 the pope reassured the Marchioness Thomasia that the grant of Richard of 17 November 1258 was valid, because it had been made by 'Riccardus, quondam abbas Casinensis, ante amotionem eius'.²⁵

Richard continued in office, in spite of the deposition, as a document of 3 February 1262 demonstrates, in which the prior of S. Pietro Avellana refers to a letter received 'a domino nostro Riccardo S. Ciriaci presbytero cardinali et Casinensi abbate'.²⁶ Richard died less than a month later on 1 March 1262, as the necrologium in Cod. Cas. 47 reports, where to the original entry RICCARDUS SAC(erdos) (et) MO(nachus) another hand inserted above *et abb(as)* and on the margin *a. d. MCCLXII*.²⁷ Since this necrologium regularly adds the title *card(inalis)* to that of the abbots of Monte Cassino who had held it, its omission in the case of Richard is significant.

Almost all evidence has by now been presented; will it be sufficient to enable us to arrive at a solution of the difficulties with which we are faced? Ganzer made the acute observation that abbots raised to the rank of cardinal usually had been close to the Curia before they joined the Sacred College. But of Richard, Ganzer believed, no testimony existed that he had been at the Curia before his elevation. He speculated that Richard 'probably visited the pope occasionally'.²⁸ This

²² Original; ed. Gattola, *Ad historiam abb. cass. accessiones* 1 (Venice, 1734), pp. 301 f. (incomplete); cf. Inguanez, 'Cronologia', 429 n. 4 (without a reference to Gattola) and n. 25 below.

²³ *Reg. di Tomm. Dec.*, pp. 150-152, no. 73; cf. Inguanez, 'Cronologia', 429 n. 1. The original is preserved; cf. Leccisotti and Avagliano, *Regesti* 11 (forthcoming).

²⁴ Inguanez, 'Cronologia', 429 and n. 2; Paravicini-Bagliani, *Cardinali di curia* 2. 548. The name of the archbishop of Sorrento deposed together with Abbot Richard is unknown; see N. Kamp, *Kirche und Monarchie im staufischen Königreich Sizilien* I, 1 (Münstersche Mittelalter Schriften 10/I, 1; Munich, 1973), pp. 379 f.

²⁵ Inguanez, 'Cronologia', 429; cf. n. 22 above.

²⁶ Original; cf. Inguanez, 'Cronologia', 430.

²⁷ The insertion has not been noticed. Cf. Inguanez, *I necrologi* (n. 6 above).

²⁸ Ganzer, *Die Entwicklung*, pp. 175, 179 f.

problem at least has been unequivocally settled. Abbot Richard was at the papal court in Perugia at the very time when Innocent IV pondered the promotions to the rank of cardinal he intended to make. There can be no doubt that Richard regarded himself as a candidate, no doubt that the pope at least considered his promotion. It is in this connection that the testimony of the usually well-informed Matthew Paris must be remembered: 'When the spring was about to come, in order that the Church might take a fresh breath together with the season of the year, the Lord Pope, whom the people of Perugia had received with honors, knowing full well that advantages would accrue to them from his arrival, created *seven* cardinals in Perugia.'²⁹ Paravicini-Bagliani has been as justified in not accepting this notice literally as he was in not rejecting it out of hand. The figure *seven* undoubtedly is inaccurate, but it may indeed reflect conflicts within the Sacred College with regard to the creation of new cardinals.³⁰ Now that the presence of Abbot Richard in Perugia at that time is ascertained, one may go farther and conjecture that he was actually offered the promotion to the rank he later claimed — with the proviso, though, that he had to give up the abbacy of Monte Cassino, just as everyone else was required to resign his position as abbot or bishop when created a cardinal by Innocent IV. The case of the first Hungarian cardinal was presented above as a particularly telling example of the dilemma facing some of these prelates when they had to make a choice. Stephanus of Vancsa, after considerable soul-searching, decided in favor of Rome; Abbot Richard seems in effect to have come to the opposite resolution, however reluctantly, and it would appear, without ever really accepting it.

The silence of Rome on the whole issue is understandable, not only in the light of Richard's later political attitude but also because the preference which he apparently gave to Monte Cassino may have been regarded as an affront. Still, the absence of his name among the signers of papal documents would favor the interpretation that he either never accepted the rank of cardinal or gave it up shortly after he had received it. This explanation alone would account for his still calling himself only abbot in 1255. The explicit notice that Pope Alexander IV did not

²⁹ Matthaeus Parisiensis, *Chronica maiora*, ed. H. R. Luard (*Rer. brit. medii aevi script.*, 57, V; London, 1880), p. 274: 'Verno quoque tempore imminente, ut cum serenitate anni respiraret et ipsa ecclesia, dominus Papa, quem Perusienses honorifice receperant, scientes ex eius adventu emolumenta pervenire, *septem* creavit Perusii cardinales.'

³⁰ Paravicini-Bagliani, *Cardinali di curia* 1. 341; 2. 550.

create any cardinals precludes the explanation that it was he who promoted Richard to the cardinalate.³¹ On the contrary, one has the impression that an estrangement from this pope led Richard to resurrect his coveted title of cardinal and to align himself more and more openly with the Hohenstaufen rulers, against whose menacing presence the pope, to be sure, could not protect him. The dating of Richard's documents since 1256 by King Conrad IV, to which attention has been called in the references given above, points in the same direction. His participation in the coronation of Manfred was an act of defiance against Rome, to which the pope replied with the severity that Richard could have expected. That Alexander IV did not mention Richard's cardinalate hardly needs an explanation: for him the title was usurped by the abbot, and even in Monte Cassino it was tacitly dropped after Richard's death in the official necrologium of the abbey, not exactly a public record. But it may well be argued that Richard's arrogating to himself this title must have irked the pope as well as the cardinals, whose number was reduced to nine by the time of Richard's deposition.

Politically Abbot Richard had made an about-face in less than seven years. The prelate who had sought advancement at the Curia of Pope Innocent IV, had allied himself as ostentatiously as possible with the worst enemy of the papacy, the Hohenstaufen family, the brevity of whose reign he could not foresee. Was he simply a self-seeking ecclesiastical politician? Perhaps. But it may be fairer to see in him a victim of the power of historical tradition: seven of Richard's predecessors had been cardinals of the Roman Church. It is almost symbolic that Ganzer's list begins with an abbot of Monte Cassino (Abbot Frederick, later Pope Stephen IX who held office just two centuries before Richard) and ends with an abbot of Monte Cassino — Richard.

What Abbot Richard did not grasp was that times had changed and that the hierarchy in Rome was right when it regarded his clinging to the past as an intolerable insubordination.

³¹ Cf. Ganzer, *Die Entwicklung*, p. 170; Paravicini-Bagliani, *Cardinali di curia* 2. 547. The pope's failure to name the abbot in addressing three communications to him and to the congregation in 1254 and 1255 (cf. n. 14 above) should perhaps not be overly stressed; but it surely does not betoken a feeling of cordiality of the pope toward this abbot of Monte Cassino.

APPENDIX

Text of the Letter of Abbot Richard of Monte Cassino
of 26 January 1252 (see p. 484 above)
(Reprinted from *Tradition* 8 (1952) 257 f.)

Universis presentes litteras inspecturis, Richardus Dei gratia abbas monasterii Casinensis salutem in eo qui est omnium vera salus.

Ex parte venerabilis fratris nostri viri religiosi Petri abbatis monasterii sancti Mauri in Glanafolio monasterii montis Cassinensis immediate subiecti nobis extitit intimatum, quod, cum de speciali mandato summi pontificis fuerit per Cenomanensem episcopum confirmatum et munus benedictionis suscepit ab eodem, salvo in omnibus iure monasterii Cassinensis, Andegavensis episcopus ipsum monuit, ut sibi professionem faceret idem abbas et ipsum ad visitationem et correctionem admitteret et sibi procurationem ratione visitationis debitam exhiberet. Ad quod dictus abbas se proposuit non teneri, cum monasterium sancti Mauri esset monasterio Cassinensi immediate subiectum et iisdem privilegiis gauderet, quibus gaudebat monasterium Cassinense, et ne praedictis non admissis ipsum compelleret ad praedicta, ad Sedem Apostolicam appellavit in scriptis. Idem autem episcopus huiusmodi appellatione contempta, excommunicationis protulit sententiam in eundem. Dicitur vero abbas appellationem huiusmodi persecutus, venerandum patrem dominum Iohannem Sancti Nicolai in carcere Tuliano diaconum cardinalem a domino papa super his obtinuit auditorem, coram quo contra praefatum episcopum super causam huiusmodi in Romana curia diutius litigavit et adhuc litigat, non sine maximis laboribus et expensis. Idem Andegavensis episcopus occasione sua, sententia in abbatem et monachos promulgata, bona dicti monasterii et membrorum eiusdem saisire fecit per brachium seculare. Propter quae dictum monasterium adhuc est adeo in temporalibus desolatum, quod idem abbas propter defectum expensarum vix potest prosequi causam istam, et quod deterius est, monasterium Cassinense propter paupertatem suam non poterit debito tempore, scilicet quinquennio, visitare. Quare nobis humiliter supplicavit, quatinus amore Dei et pietatis intuitu paterna charitate compateremur eidem et terminum debitum ad faciendam visitationem praedictam prorogare usque ad aliud quinquennium dignaremur.

Nos igitur ipsius abbatis iustis supplicationibus inclinati, fraterna charitate compatiens eidem terminum ad faciendam visitationem huiusmodi usque ad aliud quinquennium duximus concedendum, ita tamen quod sicut tenetur et decet in praefato quinquennio beati Benedicti limina visitet et obedientiam et reverentiam nobis exhibeat, sicut in privilegiis Romanorum pontificum continetur; in cuius rei testimonium eidem abbati litteras nostras concessimus sigilli nostri munimine roboratas.

Datum Perusii die Veneris post festum conversionis sancti Pauli, pontificatus domini Innocentii papae quarti anno nono.

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AN UNKNOWN BROTHER OF POPE CLEMENT V*

Joseph A. Kicklighter

THOSE who studied in past years Clement V, the first of the popes of Avignon (1305-1314), have rightly taken into consideration the influence of his family.¹ Because the pope's policies were, to some extent, influenced by the aspirations of his numerous relatives, his pontificate cannot be understood without some knowledge of his illustrious Gascon family.

According to the standard genealogies of that family, the pope, originally named Bertrand de Got, was the third of eleven children born to Ida de Blanquefort and Béraud de Got, lord of Villandraut.² Accounts of the family's history also indicate that there were four male children, of whom two, the future pope and his older brother Béraud, were in clerical orders. However, papal and English documents of the period indicate that Clement had a fourth brother, never before noted in his family's genealogy. This individual, a clerk named Guillaume Seguin de Got, flourished between 1290 and 1300 and enjoyed a modestly successful career in the service of Edward I of England.

By 1290 Guillaume had already enjoyed some success in his career.

* I would like to thank Professor G. P. Cuttino of Emory University for his encouragement and assistance in the preparation of this paper.

¹ Most recently in J. Bernard, 'Le népotisme de Clément V et ses complaisances pour la Gascogne', *Annales du Midi* 61 (1948-1949) 369-411.

² The most complete genealogy may be found in Franz Ehrle, 'Der Nachlass Clemens' V. und der in Betreff desselben von Johann XXII. (1318-1321) geführte Process' in *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, ed. Franz Ehrle and Heinrich Denifle (1889; rpt. Graz, 1956), table V between pp. 148 and 149. Also see the discussion of the members of the family in Etienne Baluze, *Vitae paparum Avenionensium*, ed. G. Mollat, 2 (Paris, 1927), pp. 94-101. The latest version of the genealogy may be found in Bernard Guillemain, *La cour pontificale d'Avignon* (Paris, 1962), n. 333 between pp. 156 and 157.

On 13 January of that year, Pope Nicholas IV gave him leave to hold additional benefices, addressing him as master Guillaume Seguin de Got, papal chaplain and canon of Agen.³ With these few facts as a basis, several observations may be made about Guillaume's career. First, as a master, he was university educated and thus prepared for an administrative position. Then, as papal chaplain, he may have had responsibility for some interest of the Roman Church in England or France.⁴ Most importantly, as a canon of Agen, he was associated with a church closely connected to the Got family. One of Clement's uncles, Arnaud de Got, had been bishop of Agen (1271-1282). Moreover, until his appointment as archbishop of Lyons in 1289, the future pope's older brother Béraud was archdeacon of Montaut in Agen. Finally, in 1290 Clement himself was a canon of Agen, while his uncle, also named Bertrand de Got, was archdeacon there.⁵

The Anglo-French war which began in 1294 provides a clearer connection between Guillaume and the Got family. In June Pope Celestine V sent the future Clement V to England to ask Edward I not to go to war with France; and in early 1295, Boniface VIII appointed Béraud de Got, now cardinal bishop of Albano, and another cardinal, Simon de Beaulieu, as legates to the English and French monarchs.⁶ Béraud's friendly relations with Edward I dated from the time that the cardinal was a clerk of the English monarch, and Béraud's efforts to obtain an Anglo-French peace apparently increased Edward's affection for him.⁷

This amicability worked to the advantage of Guillaume Seguin de Got. In letters of 28 December 1295 and 3 March 1296, John de Pontissara, bishop of Winchester and close ally of Edward I, wrote of his special affection for Guillaume, 'brother of the venerable father, lord B[éraud], by the grace of God, bishop of Albano', and of his plans to

³ W. H. Bliss, ed., *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland* 1 (London, 1893), p. 510. On the same day the pope ordered Guillaume and two canons of Bazas to induct a certain individual into possession of a church in Toulouse. See E. Langlois, ed., *Les registres de Nicolas IV* (Bibliothèque des Ecoles françaises d'Athènes et de Rome, 2nd. ser.), 3 (Paris, 1887), p. 354, nos. 1993-4.

⁴ '... [B]y the time of Innocent III the *capella* of the pope formed, so to speak, a reservoir on which the pope could and did draw for specific tasks' (Walter Ullmann, *The Growth of Papal Government in the Middle Ages*, 3rd ed. (London, 1970), p. 331).

⁵ J. H. Denton, 'Pope Clement V's Early Career as a Royal Clerk', *English Historical Review* 83 (1968) 306.

⁶ The details of the mission have been fully explored in Andrew J. Ekonomou, *The Anglo-French Arbitration Decree of Pope Boniface VIII* (M. A. Thesis Emory, 1971), pp. 13-50.

⁷ On the pope's older brother, see the present author's 'La carrière de Béraud de Got', *Annales du Midi* 85 (1973) 327-34.

obtain a position for the clerk.⁸ Unfortunately, the post that John de Pontissara had planned to award Guillaume had previously been promised to someone else by Edward I. In a letter of 1296, the bishop of Winchester agreed to Edward's choice but asked the king to help him in overcoming the displeasure of Béraud and Guillaume Seguin de Got.⁹

Edward I answered the bishop's request apparently by appointing Guillaume to a position involving foreign travel. All that is known of the matter is that on 11 May 1296, the king granted him simple protection for five years, and seven days later, nominated attorneys for him. At any rate, the king referred to Guillaume in both documents as a canon of Wells, and it may be assumed that he received this additional benefice at about this same time.¹⁰

In addition Edward appointed Guillaume rector of the church of Manchester, from which Walter Langton had resigned after his election as bishop of Coventry and Lichfield on 20 February 1296. The church itself belonged to the fief of one of Edward I's tenants-in-chief, Robert Greyelle. When the latter died, leaving a minor as heir, the king took charge of his vassal's property and so could determine the choice of rector. Guillaume Seguin de Got, king's clerk, was so designated on 20 June 1296.¹¹

⁸ *Registrum Johannis de Pontissara, episcopi Wyntoniensis*, ed. C. Deedes, 2 (London, 1924), pp. 792, 801.

⁹ *ibid.* 2. 765. The editor notes that this individual was 'William Seguin de [Gotto]', although the bishop never directly named him, instead calling him Béraud's brother. Interestingly, John de Pontissara called Guillaume his 'clerk', indicating still another position this man held.

¹⁰ *Calendar of the Patent Rolls, 1292-1301* 3 (London, 1895), p. 189. One other bit of evidence may relate to Guillaume's overseas service. Only a month before Nicholas' order of January 1290 allowing Guillaume the right of pluralism (5 December 1289), the pope granted Edward I an indult for twenty royal clerks engaged in the king's service overseas to enjoy the profits from their benefices. While this evidence has only time proximity to support it, Nicholas' efforts to please Edward and Guillaume's position as a king's clerk seem to provide a connection (*Les registres de Nicolas IV* 3. 325, nos. 1736-7).

¹¹ *Calendar of the Patent Rolls, 1292-1301*, p. 190; and William Farrer and J. Brownhill, *VCH Lancaster* 4 (London, 1911), pp. 193-4. An additional reference to Guillaume's appointment as rector of the church in Manchester is in a letter, dated 12 June [1296], from Walter Langton to John Langton, chancellor, noting that Guillaume was to be named to the post (Public Record Office, London, Ancient Correspondence XXIX/82). Over a year later (23 August 1297), Boniface VIII gave Guillaume a dispensation to hold the rectory of Manchester. At the same time, the pope noted that originally given a benefice when he was underage, Guillaume still had several benefices despite his surrender of the 'cure of souls' in the church of Montignac in the diocese of Agen (Georges Digard, Maurice Faucon, Antoine Thomas and Robert Fawtier, eds., *Les registres de Boniface VIII* I (Paris, 1904), cols. 801-802, no. 2085).

In the following year, Guillaume received expectations of other benefices as a result of the death of Béraud de Got in July. Despite the failure of the Anglo-French peace mission, Boniface VIII effusively praised his legates and subsequently reserved ecclesiastical positions to honor Béraud's memory. In this connection, Guillaume received on 7 September 1297 a papal reservation of a position in the church of Bazas and the following day, collation to a canonry with prebend in the church of Chartres. In the latter grant it was noted that Guillaume held canonries in the dioceses of Lectoure, Agen and Wells and in the church of Howden, as well as the rectorate of Manchester.¹² Guillaume's potential or actual possession of at least seven benefices by 1297 indicates that his position as clerk of Edward I and his fraternal relationship to Béraud de Got were quite useful to him.

Guillaume's death by 1299 prevented his further advancement. In the Gascon Roll of that year, a grant of 100 pounds in the money of Bigorre to 'Guillaume Seguin, clerk, for the whole year' was inexplicably cancelled.¹³ Othon de Grandson, Edward I's close adviser, was given the church of Manchester on 27 September.¹⁴ On the very next day, the king awarded Guillaume's canonry in the church of Howden in York to a royal relative, Aymer de Savoy.¹⁵

The paucity of material relating to Guillaume Seguin de Got makes any sweeping conclusions about his career quite hazardous. However, it does appear that since he was the brother of Béraud de Got, he was also the brother of Pope Clement V and a member of a very prominent Gascon family.

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¹² *ibid.* I, cols. 815, 798, nos. 2124, 2074.

¹³ C. Bémont, ed., *Rôles gascons* (Collection de documents inédits sur l'histoire de France) 3 (Paris, 1906), p. 391; no. 4529, pt. 252.

¹⁴ *Calendar of the Patent Rolls, 1292-1301*, p. 440.

¹⁵ *ibid.* and *The Registers of John le Romeyn, Lord Archbishop of York, 1286-1296. Part II. And of Henry of Newark, Lord Archbishop of York, 1296-1299*, Surtees Society 128 (Durham, 1917), p. 318. At the time of Edward's gift to Aymer, the archbishopric was vacant. The editor of the registers concluded (p. 318, n. 1) that 'Master William Segyn' was probably the same person as 'William Seguini del Got, canon of Wells, brother of Bernard [sic] de Goth, cardinal of Albano'.

ON THE ORIGIN OF THE TERM *POPELICAN(T)*

James W. Marchand

IN his recent note on *popelican(t)*, Thomas E. Vesce missed a mention in Old French which might have led to a wider discussion: *Aliscans* 1858, with the variants *Popellicant*, *Popilanç*.¹ This seems to have been the source from which Wolfram von Eschenbach got his *publicâne* (*Willehalm*, 162, 30). In his commentary on *Willehalm*, published in 1871, San-Marte already saw all the connections and attacked those who wished to see in the word a reflection of *publicanus* 'tax-farmer': '*Publicani, Poplicani, Populicani, Pauliciani*, eine Manichäersekte, die besonders unter König Robert im südlichen Frankreich in der Provinz Orleans grosse Ausdehnung gewann ..., ein Name, der später auch auf die Waldenser übergieng'.² Indeed, each of the terms San-Marte mentions has been proposed as the origin of the others. Arno Borst, who gives a good survey of the various derivations, offers a sensible view: 'Der Name Popeliciani ist schwer zu enträtseln, vielleicht verbirgt sich in ihm eine ferne Kunde von den Paulikianern im Orient, jedenfalls dachte man dabei an die *publicani* der Bibel, die Zöllner und öffentlichen Sünder, und an den Pöbel, dem die neuen Ketzer angeblich angehörten ... Zweifellos war die Bezeichnung hier Spottnamen'.³ The word was already derived from *Paulician* by Sandius in 1676, and by Mosheim in

¹ Thomas E. Vesce, 'On Identifying the *POPELICAN(T)*', *Mediaeval Studies* 32 (1970) 352 f.; *Aliscans*, eds. E. Wienbeck, W. Hartnacke, P. Rasch, vol. 1 (Halle, 1903).

² San-Marte (Albert Schulz), *Über Wolfram's von Eschenbach Rittergedicht Wilhelm von Orange und sein Verhältnis zu den altfranzösischen Dichtungen gleichen Inhalts* (Bibliothek der gesammten deutschen National-Literatur, Abt. II, vol. 5; 1871), p. 72.

³ Arno Borst, *Die Katharer in MGH Schriften* 12 (Stuttgart, 1953), p. 247.

1755; their derivation is repeated by Runciman in 1947.⁴ As Runciman correctly remarks, this was probably occasioned by the Middle Greek pronunciation *pavli-* (cf. Spanish *Pablo*), which led to confusion with the already existing term *publicanus*. This word had already in Biblical times a bad connotation, whence the collocation *publicans and sinners* in the Bible,⁵ and this connotation was naturally preserved in the Middle Ages, cf. Balbi's *Catholicon*, s.v. 'publicanus'. As Robert E. Lerner points out, many of the heretical sects denounced at this time had long since ceased to exist, and their names had survived simply as vague terms of abuse.⁶ Borst thinks that Runciman's Paulicians (the original has *publicani*) may actually have been heathens, and points out that the followers of Henry the Heretic called the Catholic priests publicans: 'habebant eos sicut ethnicos et publicanos'.⁷ Wolfram's juxtaposition of *juden*, *heiden*, *publicâne*, however, shows that he considered *publicani* to be something other than Jews and heathens. Finally, there are those who simply derive the term from *populus*.⁸

It seems to me that we can accept all these derivations at the same time, but that we would be wrong to reject any. If we begin with the Biblical *publicanus*, we can easily see how the Greek *Pavli-* could have led to confusion of the two terms, and to an extension of *publicanus* to the meaning 'heretic'. It was applied to the heretics of southern France by a common trick, used in the Middle Ages and even today, of making up a derogatory pun for the other person's religion. In the so-called *Yiddish Kudrun* of the late fourteenth century, for example, a Christian church is called *beth ha-tifle* 'house of filth' as a word-play on *beth ha-tfile* 'house of prayer';⁹ everyone is familiar with Berthold of Regensburg's sermon against cats because of the German word *Ketzer* 'heretic', which, strangely enough, seems to be derived ultimately from *Cathar*;¹⁰ and even today one can hear Catholics called 'Cat-lickers' by Catholic baiters. Thus, out of *publicanus* 'sinner' was formed *Populicani*, etc.

⁴ Cited by Borst, *ibid.*; Steven Runciman, *The Medieval Manichee* (Cambridge, 1947), pp. 122 ff.

⁵ On the use and meaning of the term in the Bible and early patristics, see *Theological Dictionary of the New Testament*, ed. G. Kittel and G. Friedrich, trans. G. W. Bromiley, 8 (Grand Rapids, Mich., 1972), pp. 88-105.

⁶ Robert E. Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley, 1972), p. 4.

⁷ Steven Runciman, *A History of the Crusades* (Cambridge, 1951), pp. 156, 192; Borst, *Die Katharer*, p. 247.

⁸ Jas, Hahn, Heer, Schmid, cited by Borst, p. 247.

⁹ James W. Marchand, 'Einiges zur sogenannten "jiddischen Kudrun"', *Neophilologus* 45 (1961) 59 and n. 23.

¹⁰ *Berthold von Regensburg*, ed. Franz Pfeiffer (rpt. Berlin, 1965), pp. 402 ff.

'heretics, dog people'. The dog was, of course, frequently connected with the devil and hell in the Middle Ages, and dogs were generally taken *in malam partem* in medieval exegesis.¹¹ They were even, following the example of the Bible (Phil 3 : 2 ; Apoc 22 : 15), taken as references to sinners and heretics.¹² In spite of the fact that *canis* could occasionally be taken *in bonam partem*, the Paulicians and the Waldensians were called *Populicani* because they were heretics, *populi canes*.

This word offers a marvelous lesson for all those who deal in etymology : we can see the interaction of all these 'derivations', but we cannot tell which one came first or what the order of derivation is. We must simply accept them all as plausible. It is for this reason that it is important not to depend too much on any one derivation, as do Friedrich Heer, when he draws far-reaching sociological conclusions from the *populus* derivation,¹³ and Steven Runciman, when he unhesitatingly translates *publicani* as 'Paulicians'.¹⁴ I would not agree with the well-known dictum against etymology frequently attributed to Voltaire, but it is still not a science.

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¹¹ Maximilian Rudwin, *The Devil in Legend and Literature* (La Salle, Ill., 1959), p. 39 ; Hugo Rahner, *Greek Myths and Christian Mystery* (London, 1963), p. 236 f. ; and especially Louise Gnädinger, *Hiudan und Petiltcreiu* (Zürich, 1971), pp. 9 ff.

¹² Pseudo-Hrabanus, *Allegoriae in Sacram Scripturam*, s. v. 'canis' (PL 112.883) ; Cornelius a Lapide, *Commentaria in omnes divi Pauli epistolas* (Antwerp, 1705), p. 585.

¹³ Friedrich Heer, *Aufgang Europas* (Vienna-Zürich, 1949), pp. 467 f. Cf. Borst, *Die Katharer*, p. 247.

¹⁴ Runciman, *History of the Crusades*, pp. 156, 192.

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